

**CITY OF AUSTIN
Board of Adjustment
Decision Sheet**

DATE: Monday March 11, 2019

CASE NUMBER: C15-2019-0012

N Ada Corral
 Y William Burkhardt
 - Christopher Covo Out
 N Eric Goff
 N Melissa Hawthorne
 Y Bryan King
 Y Don Leighton-Burwell
 - Rahm McDaniel OUT
 N Martha Gonzalez (Alternate) (for RM)
 N Veronica Rivera
 Y James Valadez
 Y Michael Von Ohlen
 Y Kelly Blume (Alternate) (for CC)
 - VACANT (Alternate)

OWNER/APPLICANT: Josh Westheimer

ADDRESS: 1802 CLOVERLEAF DR

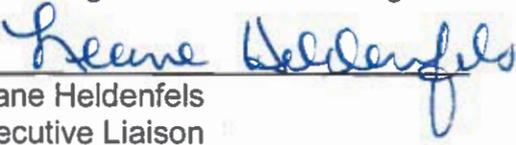
VARIANCE REQUESTED: The applicant has requested variance(s) from Section 25-2-492 (D) (Site Development Regulations) to decrease the front yard setback from 25 feet (required) to 10.2 feet (requested) in order to maintain a carport and shed in a "SF-3-NP" Family Residence zoning district. (Windsor Park)

BOARD'S DECISION: March 11, 2019 The public hearing was closed on Board Member Michael Von Ohlen motion to Deny, Board Member Don Leighton-Burwell second on a 6-5 vote (Board members Ada Corral, Eric Goff, Melissa Hawthorne, Martha Gonzalez, Veronica Rivera nay); DENIED.

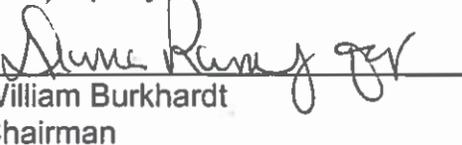
EXPIRATION DATE: March 11, 2020

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:
(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



 Leane Heldenfels
 Executive Liaison



 William Burkhardt
 Chairman

Josh and Brandi Westheimer

1802 Cloverleaf Dr

Austin, TX 78723

March 20, 2019

To: City of Austin Board of Adjustments

Re: Request for Reconsideration for Case File C15-2019-0012

Dear Chairman and Board Members,

Please accept this letter as a formal Request for Reconsideration for the variance for the above referenced case file.

The justification for this request is that we have new and clarified evidence to present to the board which we hope will add more support for the requested setback variance at 1802 Cloverleaf Dr.

Our hearing on March 11 brought to light some questions that we sought to answer. It was clear that we had done an incomplete job of presenting the hardships that are unique to our property. The primary findings that night seemed to be that according to what the Board was able to see, we do have available parking on our property without the need for a variance.

It is our assertion that we do not. We have a space that measures 183" deep by 221" wide. It has rollup doors. Does that make it a garage? We believe not. We consulted with two contractors to ask for suggestions for enlarging the space to accommodate cars. We found that we would need to spend nearly \$20,000 and possibly as much as \$54,000 to lengthen the current space. However, neither contractor would be able to widen the space beyond its current 18'. This is because of the side yard setback and our irregular lot shape. Our survey makes it clear that there would be no reasonable development to the west of our home due to setback rules. We include these bids in our evidence.

We also consulted with our architect who stated:

- 20' of width is a generally accepted minimum width for a modern-day 2-car garage.
- The back of your house already appears to encroach on the required 5' side yard setback, which means you really can't expand the width of the garage.
- Minimum workable depth is also 20', but I usually try to get 22'-24'; in addition, you have an electrical panel at the back of your garage.
- Increasing the depth of the garage would require expensive new foundation and framing work, as well as new roof framing in order to accommodate the required header and overhead track for the garage doors.

We continue to assert that covered parking is "reasonable use" and we provide evidence that the vast majority of the houses on our block have some kind of covered parking available.

It is our hope that this new evidence and clarification creates renewed interest in our problem so that the Board would be willing to give us another opportunity to present our case. It is our goal that the

Board be satisfied by this new and clarified evidence so that they may support our request for variance to keep our existing carport.

Thank You for Your Consideration,

Josh and Brandi Westheimer

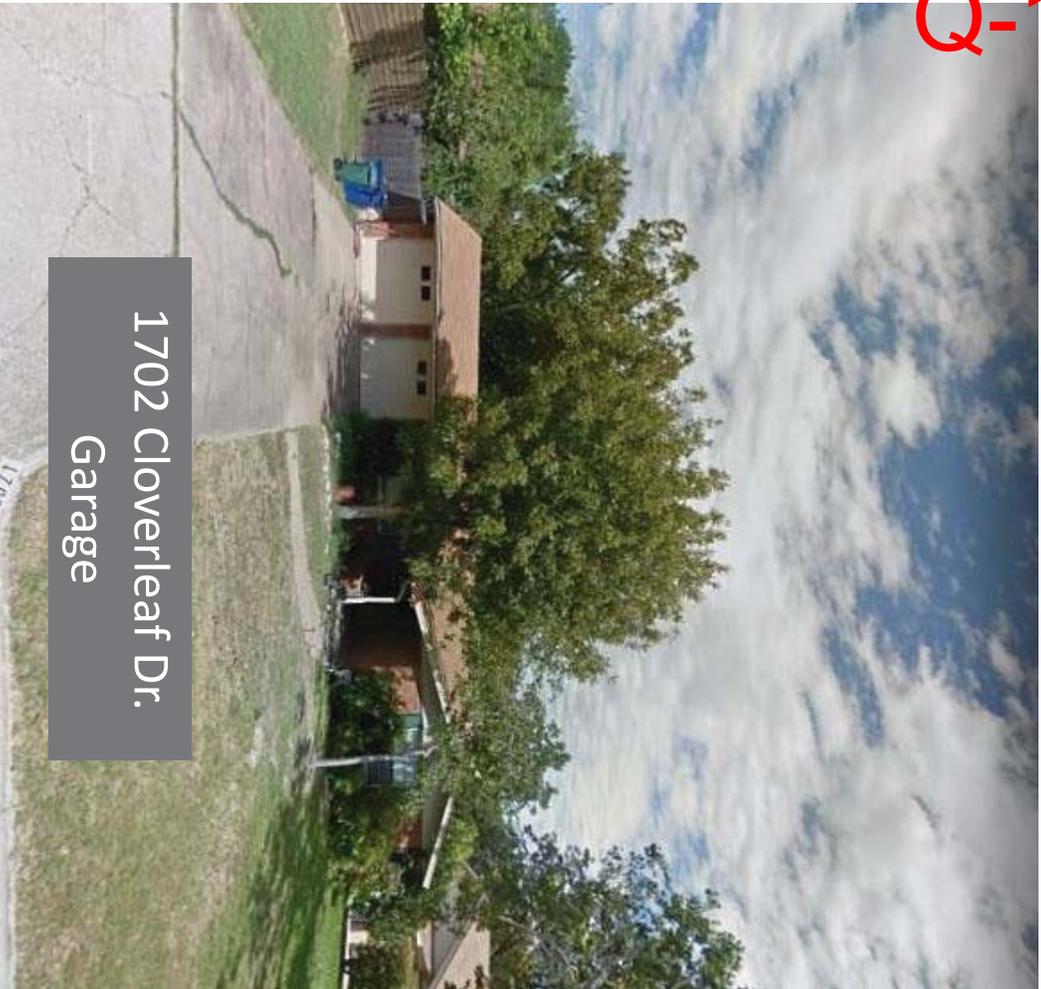
1802 Cloverleaf Dr

Variance to decrease setback from 25' to 10.2" to maintain existing
carport

New/Clarified Evidence

Reasonable Use: Covered Parking

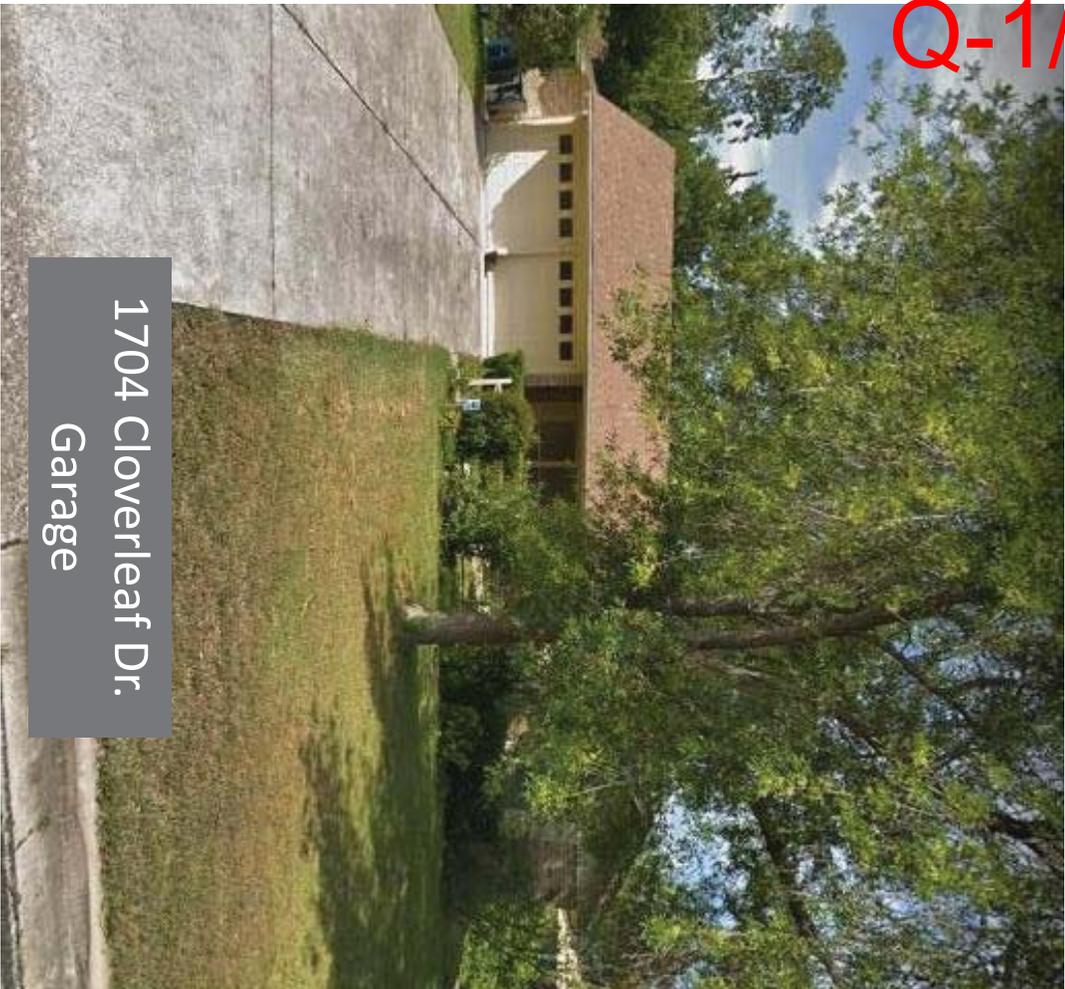
Covered parking is a common amenity on our block. All houses but one have either a garage or carport providing covered parking.



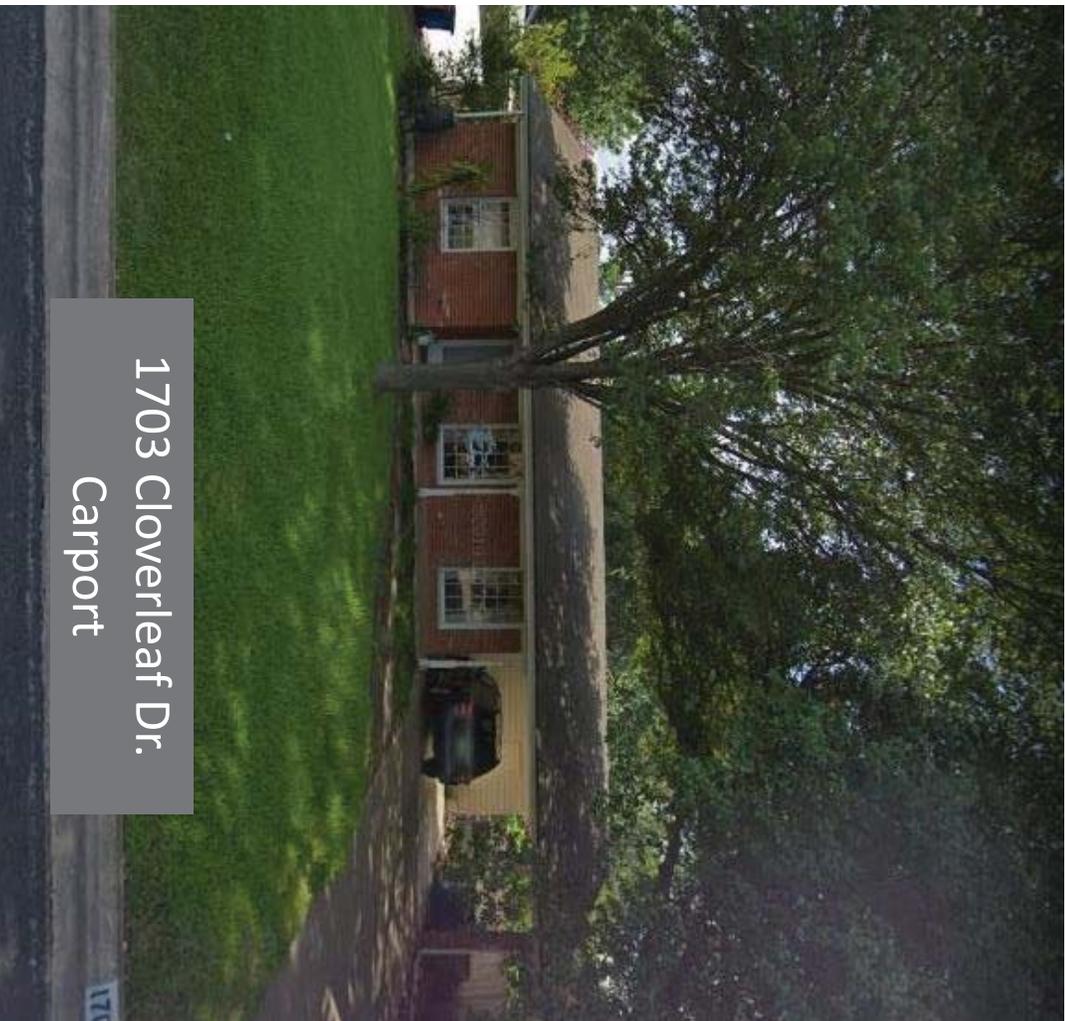
1702 Cloverleaf Dr.
Garage



1701 Cloverleaf Dr.
Garage



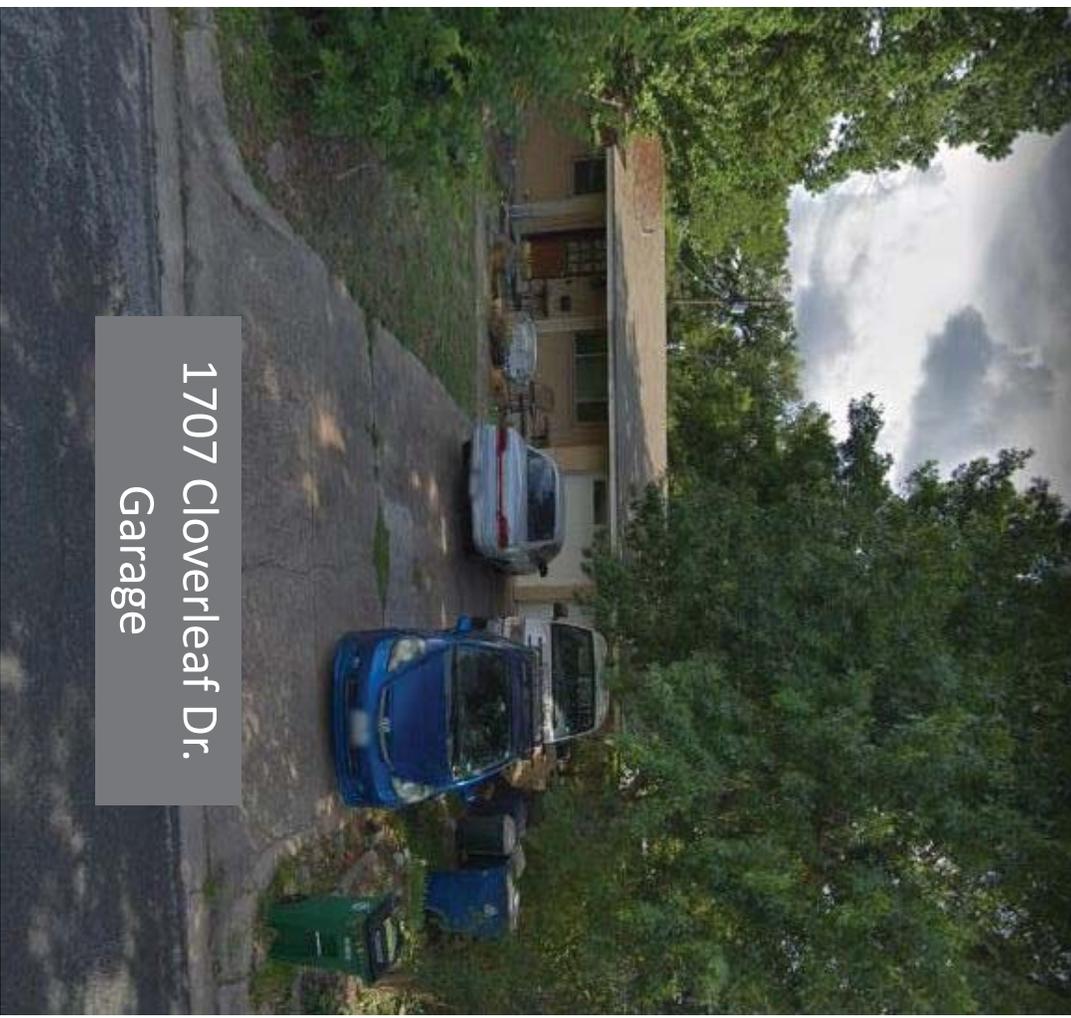
1704 Cloverleaf Dr.
Garage



1703 Cloverleaf Dr.
Carport



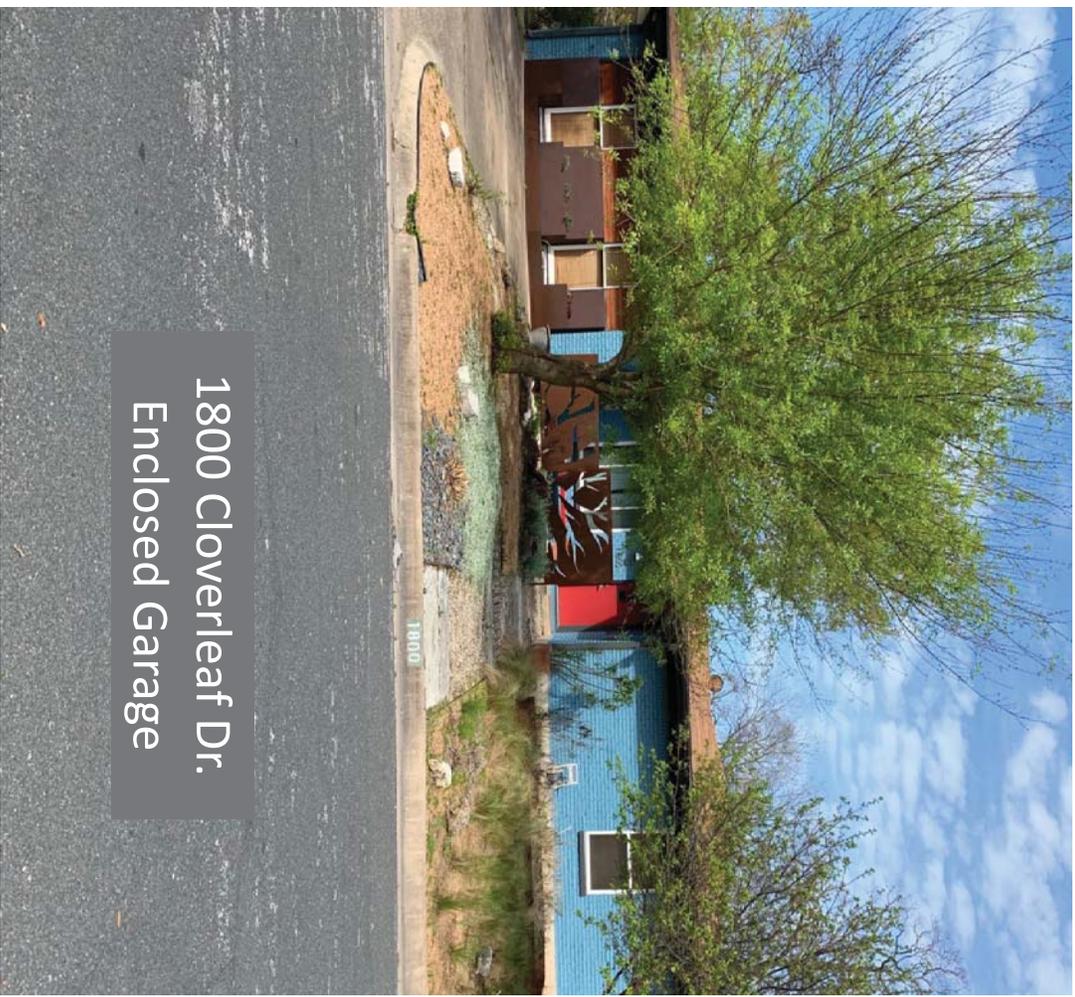
1703 Cloverleaf Dr.
Garage



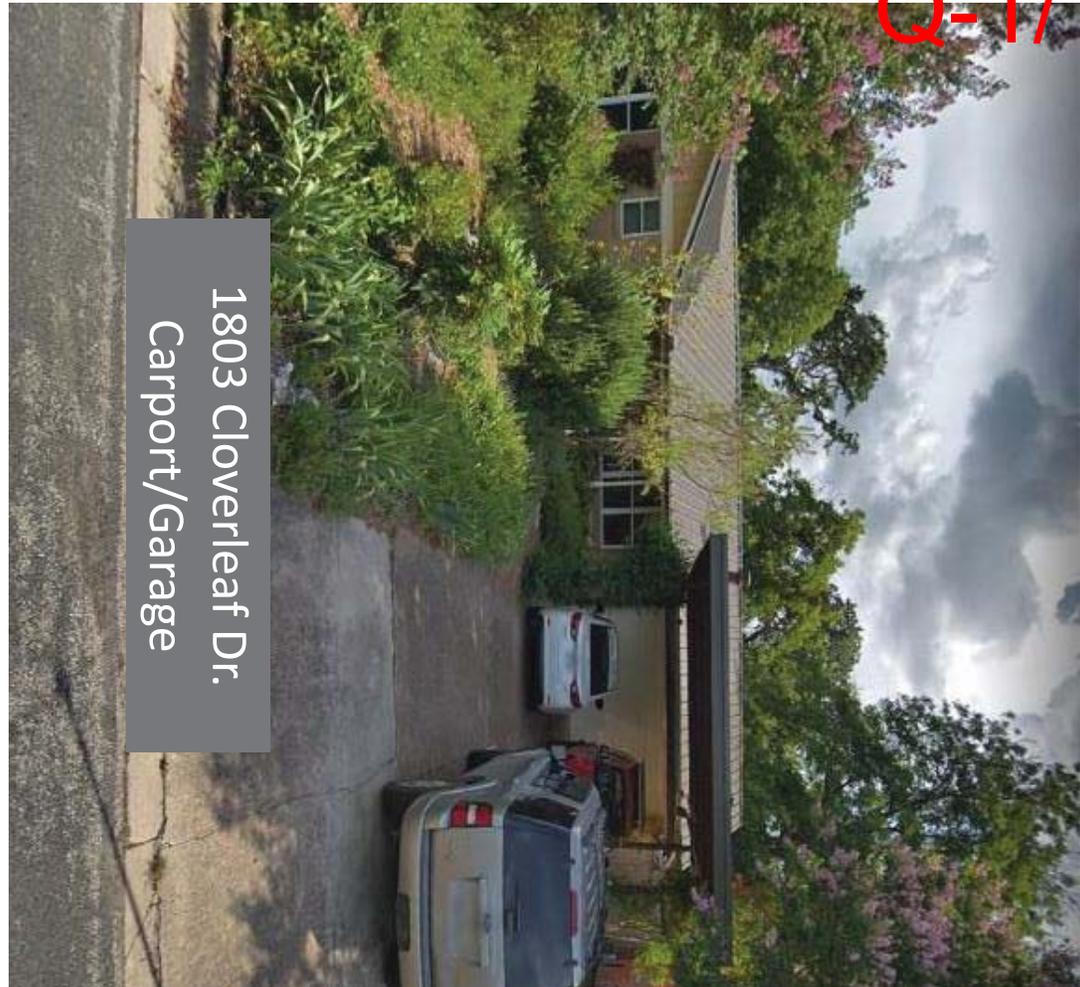
1707 Cloverleaf Dr.
Garage



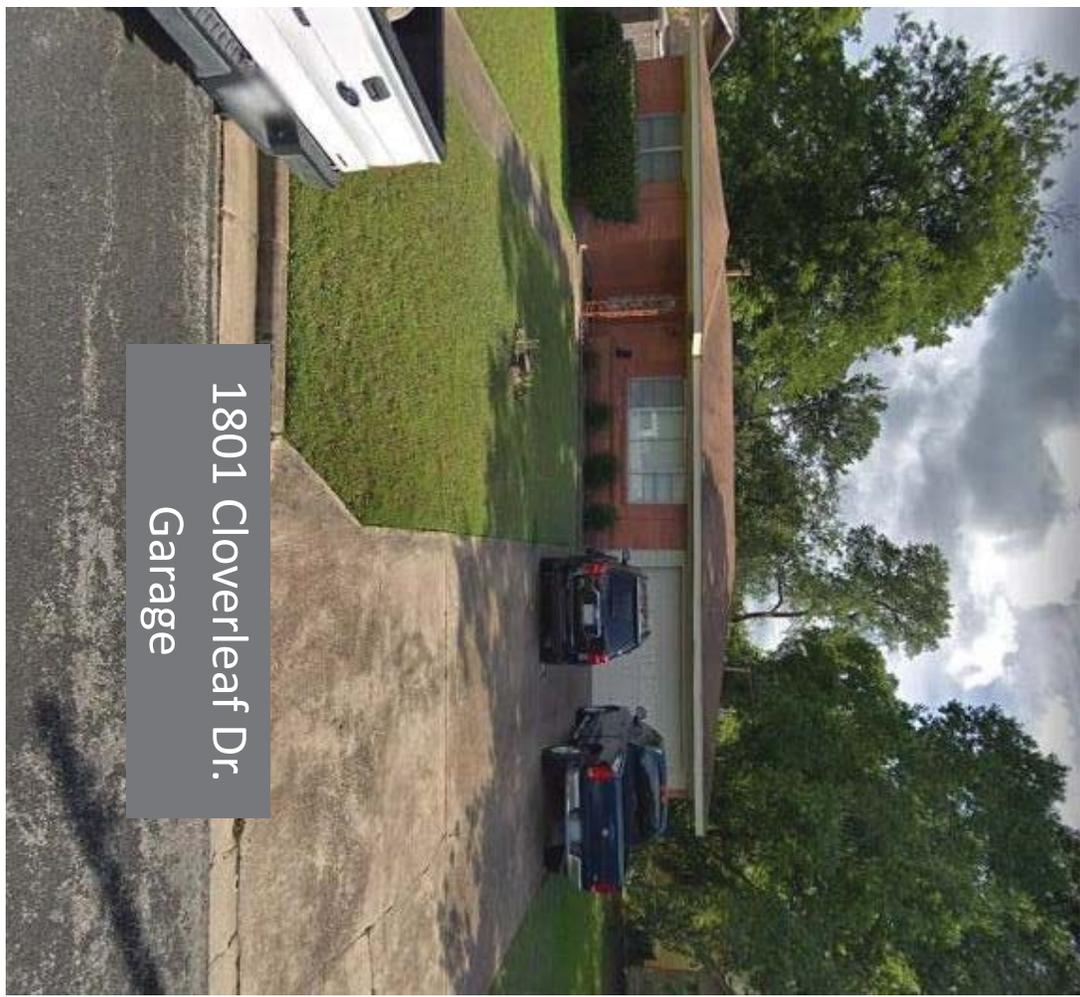
1706 Cloverleaf Dr.
Carport



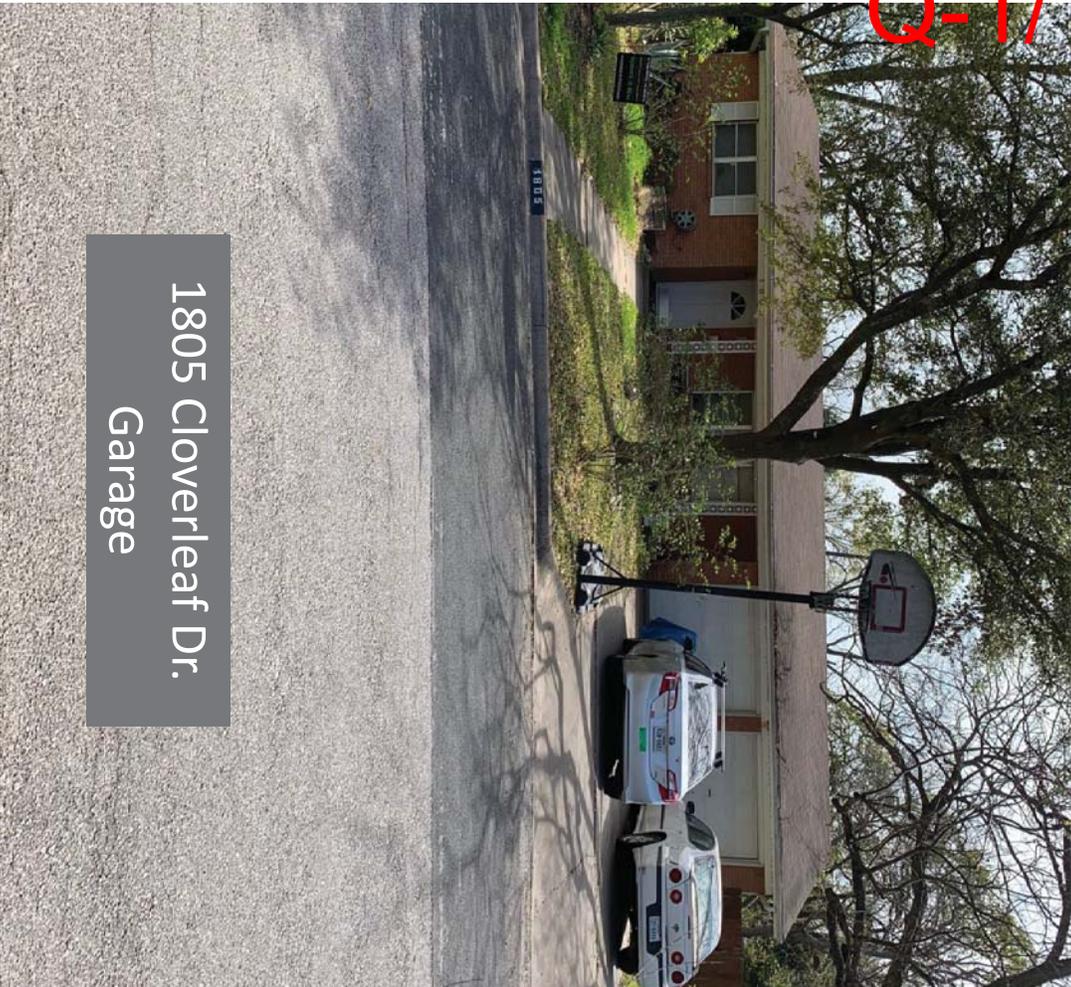
1800 Cloverleaf Dr.
Enclosed Garage



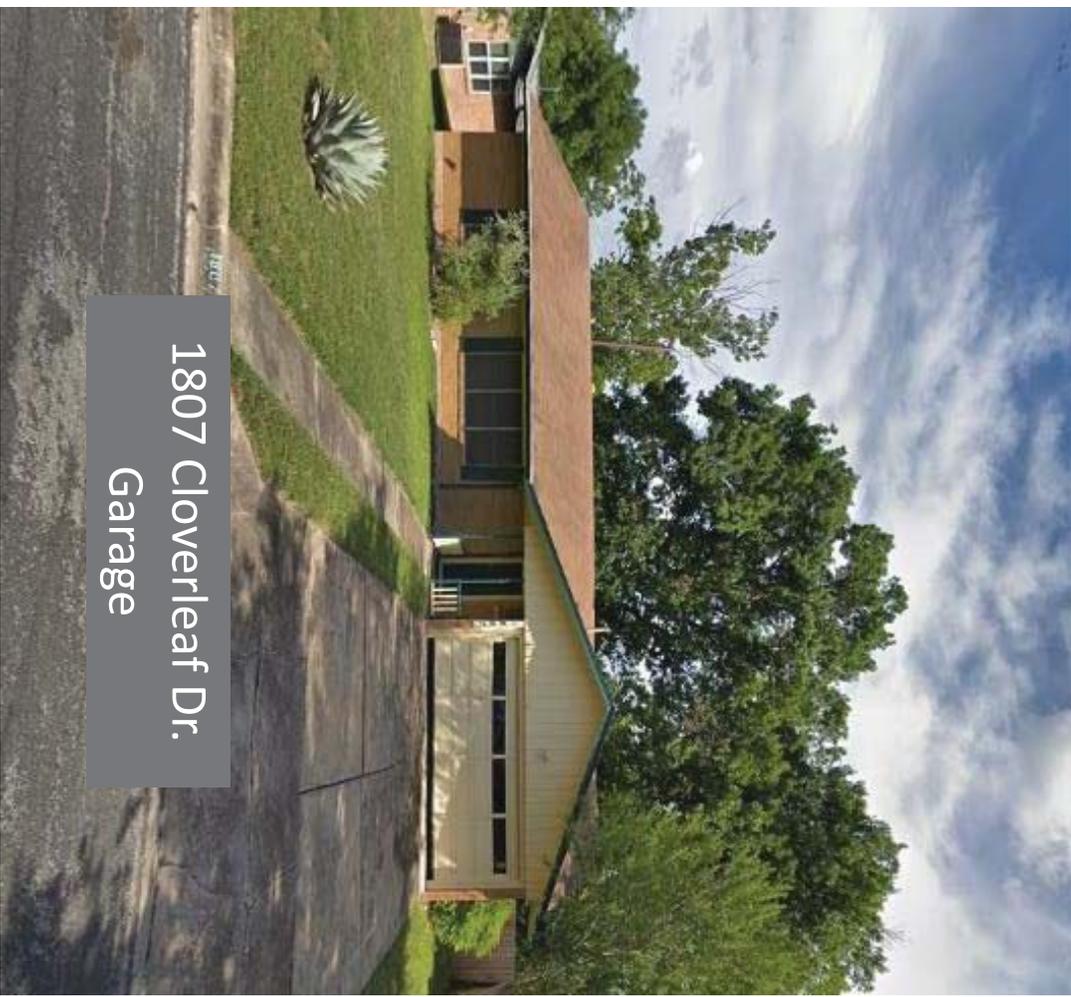
1803 Cloverleaf Dr.
Carport/Garage



1801 Cloverleaf Dr.
Garage



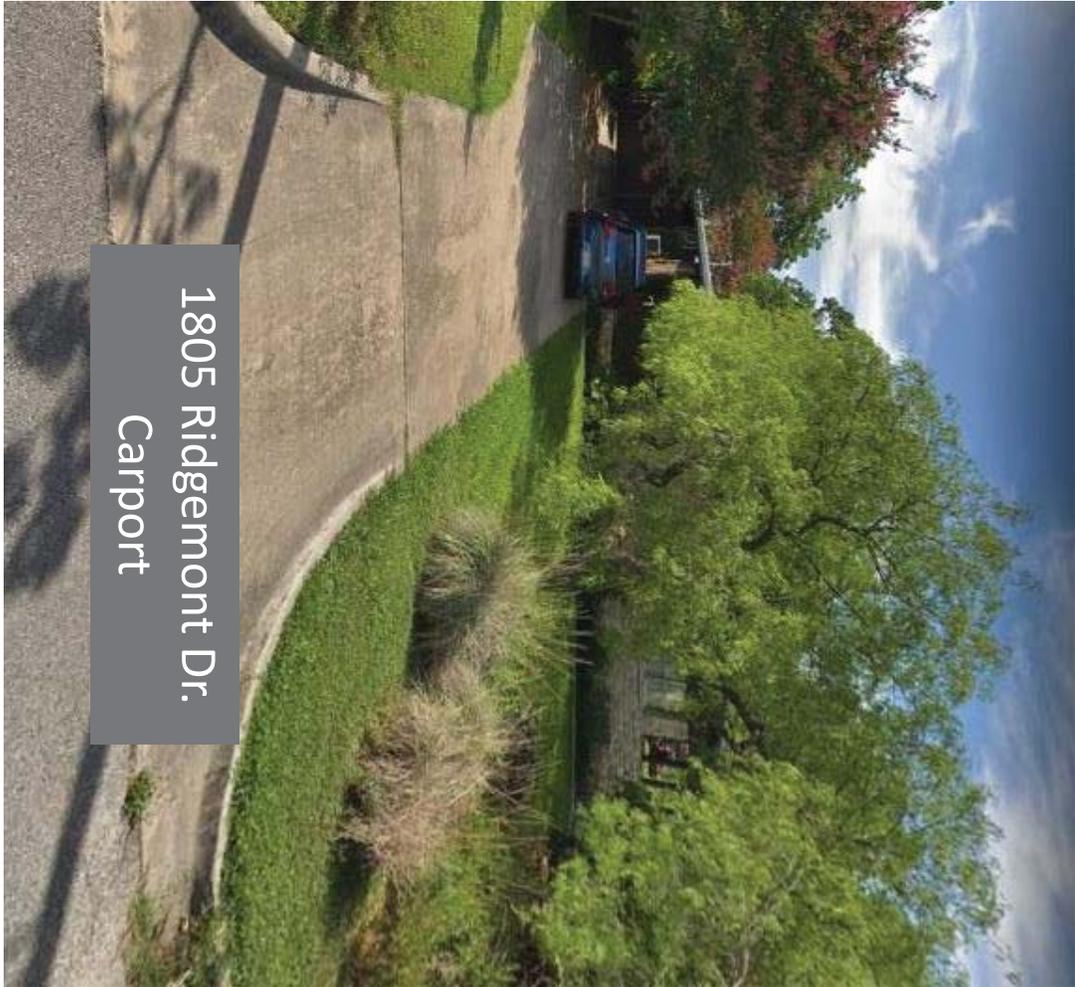
1805 Cloverleaf Dr.
Garage



1807 Cloverleaf Dr.
Garage

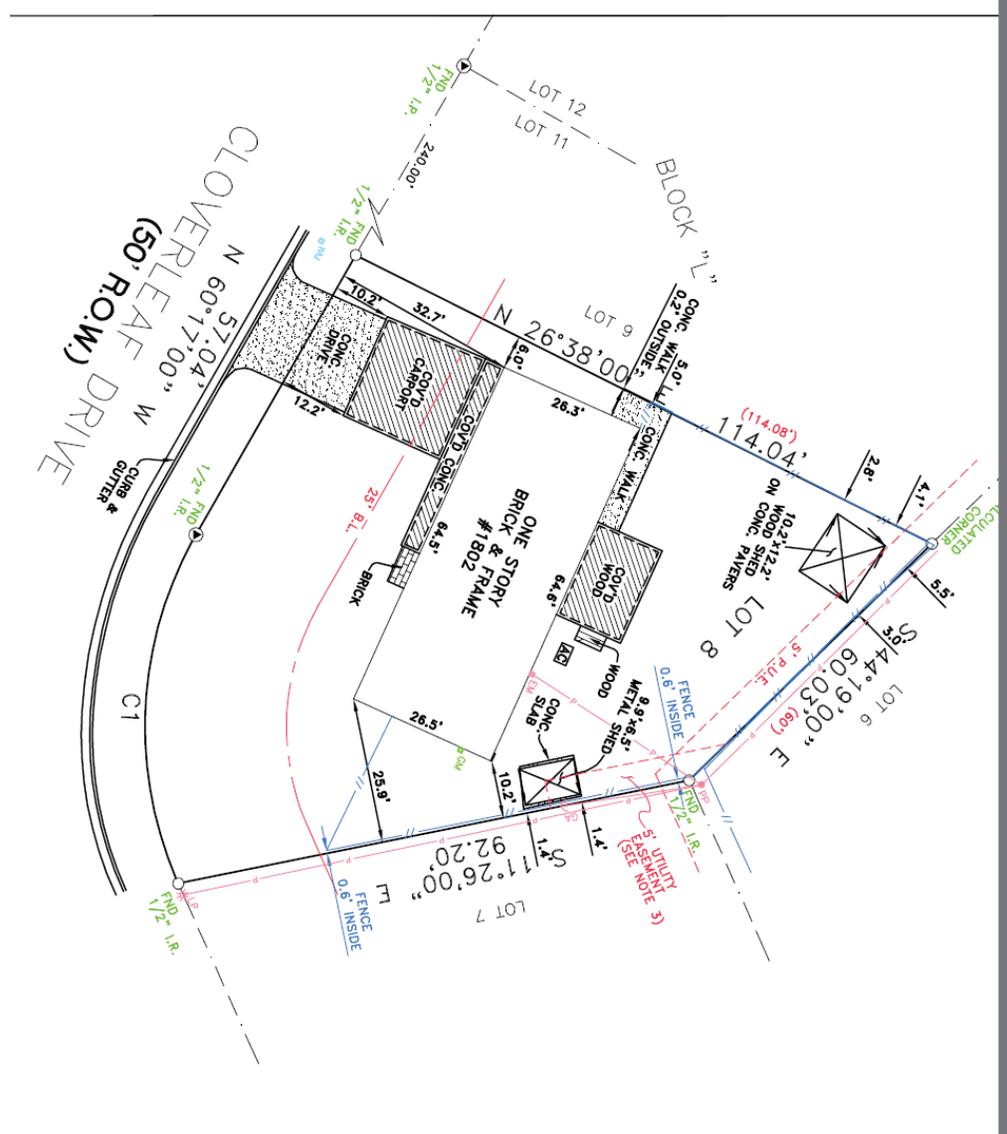
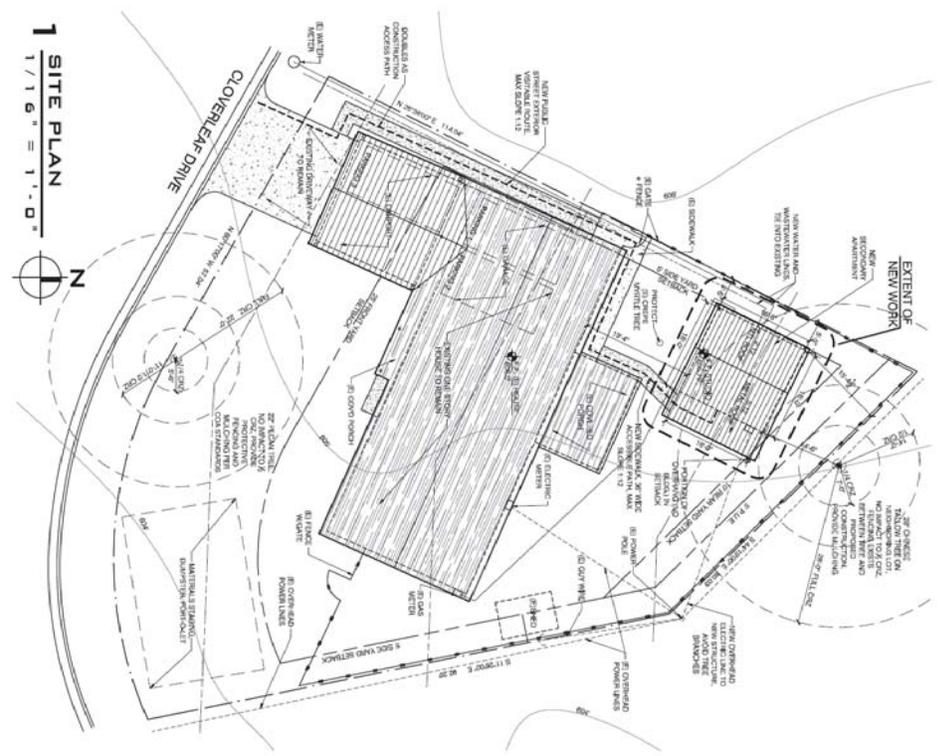


1809 Cloverleaf Dr.
Garage



1805 Ridgemont Dr.
Carport

Handship #1 – Irregular shape of lot
Both the site plan and survey exhibit the fact that our lot is irregular and most of the front yard is in front of the 25' setback. There is no other place to build a carport



Handship #2 – Insufficient Space

It has been found that current “garage” is both too narrow and not deep enough to function as parking. Clearance in front of electrical box and egress door shorten the usable space even further.

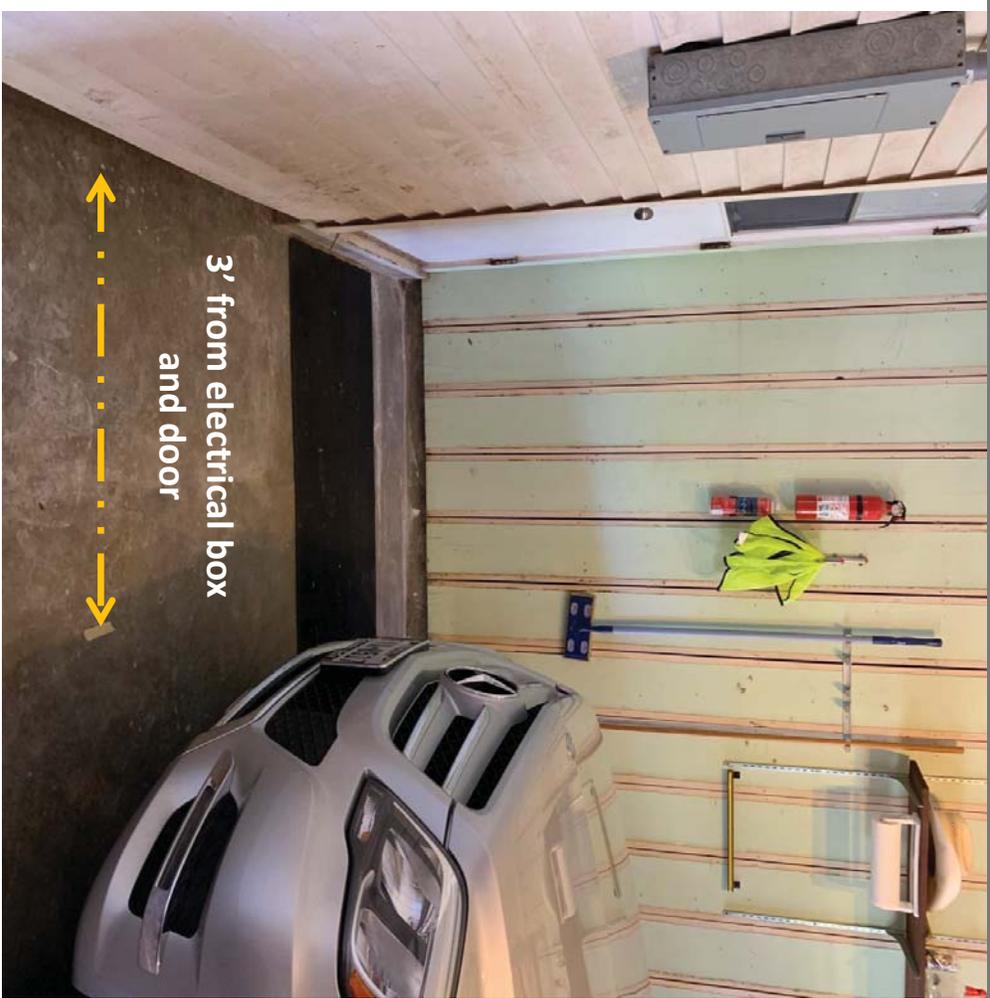


Safety

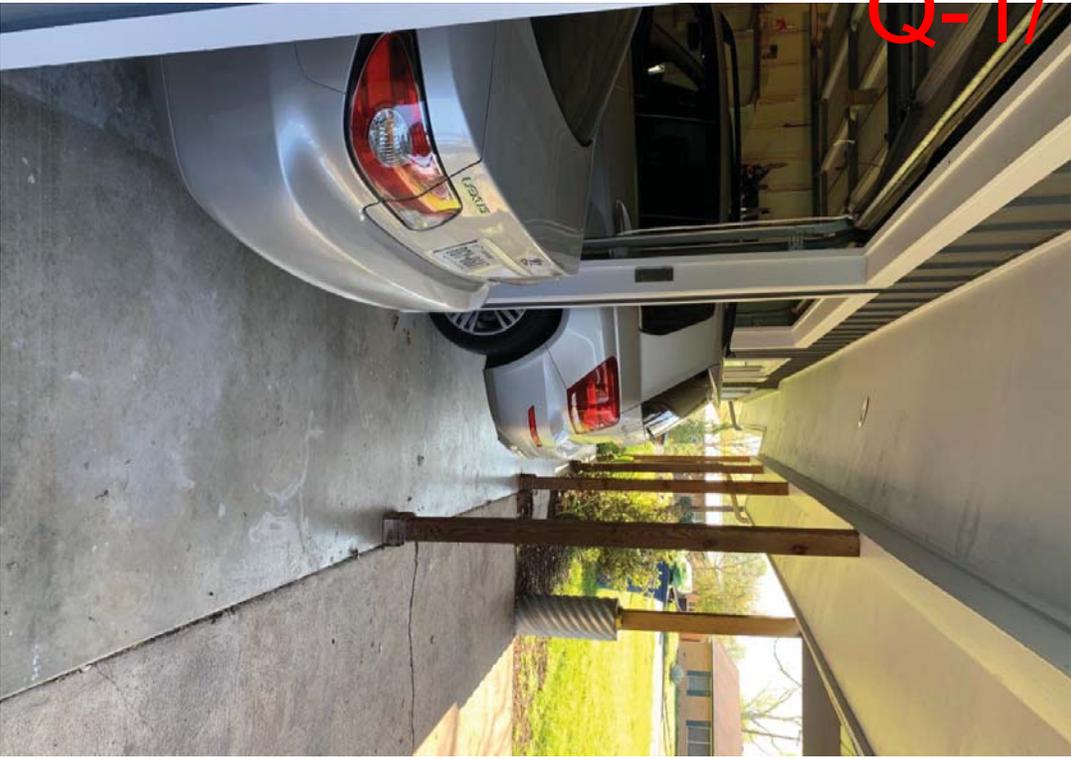
Shortens usable space to 12'3"



Electrical box and fire egress



3' from electrical box and door







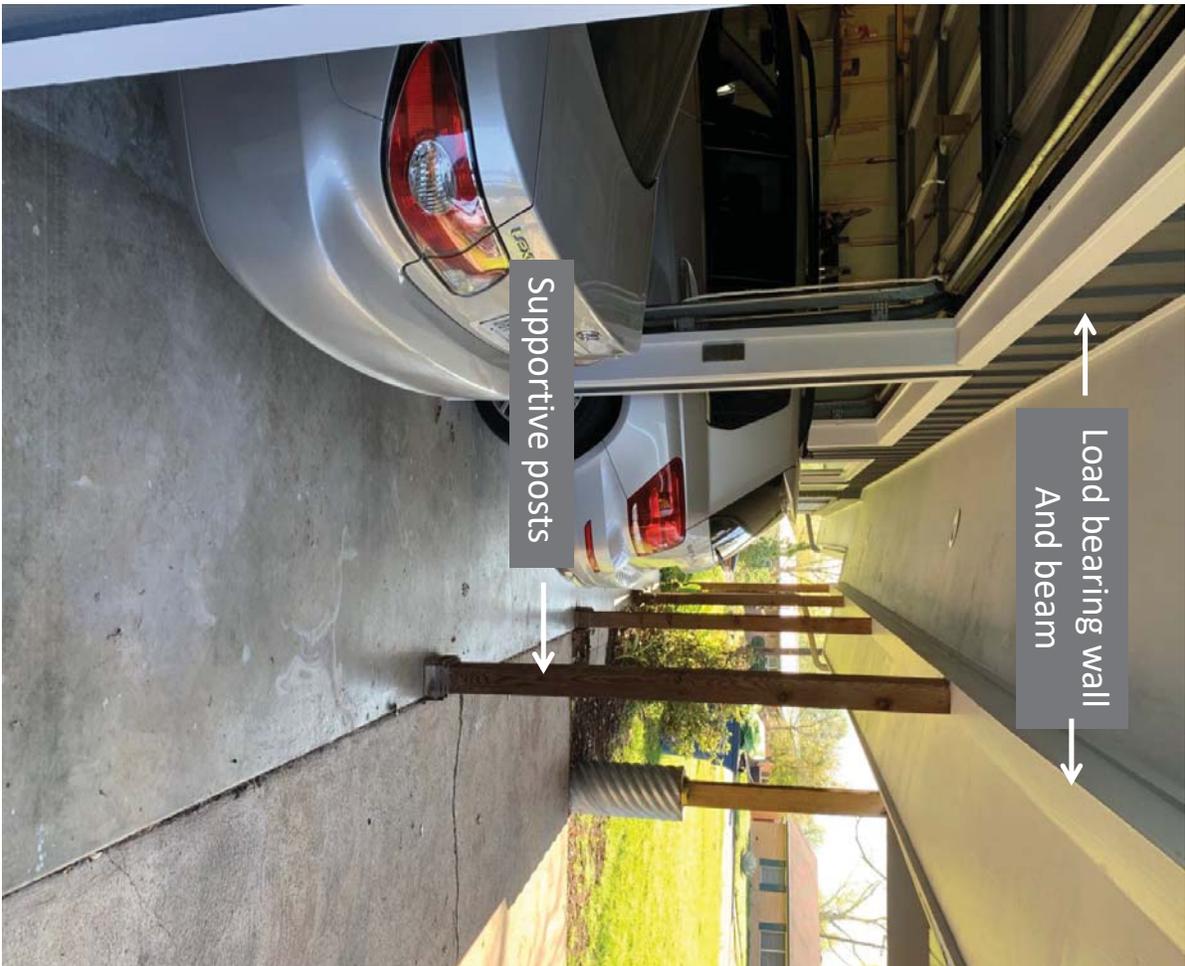
Too narrow for driver



Too narrow for carseat



18" needed for garage hardware



Shallow Pitch Roof

Roofline would need to be modified to accommodate build out



The zoning regulations applicable to the property do not allow for reasonable use because:

- house has non-functional garage that is both too narrow and not deep enough for today's standard vehicles. Altering garage would create a financial hardship because of structural changes to the house and concrete foundation work.

The hardship for which the variance is requested is unique to the property in that:

- The unique shape of the lot and the location of a large pecan tree; no other place to locate the carport. Much of the property is in front of the 25 foot building line.
- The current garage is both not deep enough nor wide enough by current standards. Expanding the current garage isn't optimal because:
 - a) There is a 5' west setback that doesn't allow for the garage to be widened
 - b) Structural changes would need to occur including movement of load bearing wall and modifications to roofline. Concrete/foundation work will be necessary to support new load-bearing wall.
 - c) Lengthening the space would be prohibitively expensive and the result would be insufficient.

The hardship is not general to the area because:

- most properties in the area are rectangular.

Nearby houses with added carports



Existing Carport

- Blends in with neighborhood aesthetics
- Attractive and aligns with the architecture of the house
- Well constructed; two letters of support from neighborhood architects regarding craftsmanship





4x6 cedar post

Concrete footing



Galvanized metal roof with exposed fastener

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

- the neighborhood street and surrounding streets have many already constructed carports which are actively used by the residents. This will fit with the neighborhood character.

Curran Construction

████████████████████
512-470-6345

1802 Cloverleaf Garage Enlargement

Demo existing carport
Demo existing doors/ siding/ beam
Raise beam into ceiling (Engineer will advise)
Tear out 4' or drive cement
Add exterior beam and tie new concrete into existing slab (Engineer will advise)
Frame out garage to extend 8' with gable roof
Add 4 convenience outlets
Match shingles and tie into existing
Install new single garage door
Sheetrock new and existing space
Install new fire rated entry door to house
Paint interior one color and exterior to match
Haul off all construction trash

Labor and Materials **49,000.00**

Engineer Fee

Architect Fee

Permit Fee 1000.00

Total Estimate **54,000.00**



Time and Material Agreement

Client- Josh and Brandy Westheimer
Address- 1802 Cloverleaf Dr. 78723
Date- 3.14.19

Parties:

This contract for construction services (“Contract”) is by and between Josh and Brandy Westheimer (“Client”) and MSC Builders, LLC d/b/a The Good Guys Construction Services (“Contractor”), a Texas Limited Liability Company whose principal place of business is 1112 West Ave. Austin, Texas 78701.

Work to be performed –

1. Remove any/all existing framing, exterior trim, fascia, roof shingles and overhang facing the driveway.
2. Build temporary structural support at garage header as well as soffit.
3. Remove existing concrete at driveway for new point loads.
4. Form and pour new concrete footers at new garage wall.
5. Build new garage wall at 24’ off existing back wall of garage.
6. Existing width to remain due to property setbacks.
7. Size garage door rough openings to match existing.
8. Frame new roof to meet sufficient header height at new garage opening.
9. Install new asphalt roof shingles at new garage roof deck. Shingles to match existing.
10. Install new exterior siding, fascia, and trim.
11. Paint all new exterior siding fascia and trim.
12. Haul off all construction related debris

Exclusions – Preparation of site in order to perform work, Supplying or updating of any plans for the work to be performed.

Installation of new overhead door(s)

Any and all liability for Structural Integrity and Codes, City of Austin Codes, Safety Codes, or Design features. Work only to be done at direction of Client.

Liability for finish dimensions, elevations, and alignments.

Testing of construction materials.

Majority of construction materials (TGG to supply fasteners and some materials at direction of client and will be reimbursed 100% for such items with proof of purchase)

Budget Adjustments- It is possible that some undiscovered defects in conditions and/or plan documents may be found during performance of the work. If any defects are found, the Client will be notified and the cost/time to repair any defects will be determined. The Client will



approve any additional cost/time to repair defects before such work can be charged to the Client. Any additional work requested by the Client will be executed at the same Time and Material Rate established in this agreement.

Price and Payments-

- Rates - \$45 per hour per guy for Master Carpenter**
- \$40 per hour per guy for Carpenter**
- \$35 per hour per guy for general labor**

Estimated cost of labor and material for the described work - \$14,500.00

Payments-

Invoices submitted every 2 weeks after commencement. All payments due within 3 business days of invoicing. A late fee of 5% will be applied for invoices unpaid after 20 days.

Insurance- The Good Guys Construction Services shall maintain Comprehensive General Liability insurance with policy limits equal to or exceeding (\$1,000,000.00). TGGCS shall obtain Workers Compensation Insurance or waivers covering all who assist in performance of the work.

Trip Charges - Additional fees will apply if additional trips to the jobsite are required beyond the scope of The Good Guys Construction Services contract, such as site conditions not ready for frame, materials not on site, window/door delivery/installation delay, or lack of any required and previously specified or assumed materials needed for installation day. Trip charges will not apply if 24 hours notice is given to cancel scheduled site work.

Punch List Items - After the contract is substantially completed, a representative from TGGCS and the Client shall jointly inspect the work and a single list (punch list) shall be prepared identifying all work to be completed or corrected. This punch list will become the Master Punch List and no items shall be removed or added once introduced. TGGCS will have 72 hours to complete this Punch List unless other arrangements are mutually agreed upon.

Other Indemnity and Defense Obligations - IN ADDITION TO AND WITHOUT LIMITATION OF OR BY THE OTHER PROVISIONS OF THIS MASTER CONTRACT OR ANY WORK RELEASE, CLIENT EXPRESSLY AGREES AS FOLLOWS:

(A) CLIENT SHALL FULLY PROTECT, INDEMNIFY AND DEFEND CONTRACTOR AND HOLD IT HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, LIENS, DAMAGES, CAUSES OF ACTION AND LIABILITIES OF ANY AND EVERY NATURE WHATSOEVER ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION WITH OR IN THE COURSE OF OR INCIDENTAL



TO ANY OF SUBCONTRACTOR'S WORK OR OPERATIONS HEREUNDER OR IN CONNECTION HEREWITH (REGARDLESS OF CAUSE OR OF ANY CONCURRENT OR CONTRIBUTING FAULT OR NEGLIGENCE OF CONTRACTOR) OR ANY BREACH OF OR FAILURE TO COMPLY WITH

ANY OF THE PROVISIONS OF THIS MASTER CONTRACT OR THE CONTRACT DOCUMENTS BY CONTRACTOR.

(B) CLIENT SHALL FULLY PROTECT, INDEMNIFY AND DEFEND CONTRACTOR AND HOLD IT HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, DEMANDS, CAUSES OF ACTION, DAMAGES AND LIABILITIES FOR INJURY TO OR DEATH OF CONTRACTOR, OR ANY ONE OR MORE OF CONTRACTOR'S EMPLOYEES OR AGENTS, OR ANY SUBCONTRACTOR OR SUPPLIER OF CONTRACTOR, OR ANY EMPLOYEE OR AGENT OF ANY SUCH SUBCONTRACTOR OR SUPPLIER, ARISING IN ANY MANNER, DIRECTLY OR INDIRECTLY, OUT OF OR IN CONNECTION WITH OR IN THE COURSE OF OR INCIDENTAL TO ANY WORK OR OPERATION OR OPERATIONS OF CONTRACTOR REGARDLESS OF CAUSE OR OF ANY FAULT OR NEGLIGENCE OF CONTRACTOR. IN ENTERING INTO THIS MASTER CONTRACT, CLIENT HEREBY ACKNOWLEDGES THAT THE AGREEMENTS BY CONTRACTOR SET FORTH IN THE FOREGOING SENTENCE ARE INTENDED TO PROTECT, INDEMNIFY AND HOLD CONTRACTOR HARMLESS FROM THE CONSEQUENCES OF CONTRACTOR'S OWN NEGLIGENCE AND ACTIONS AND THE NEGLIGENCE AND ACTIONS OF CLIENT'S EMPLOYEES, REPRESENTATIVES, OFFICERS AND AGENTS.

Arbitration- Any controversy arising out of or related to this contract, or breach thereof, shall be settled in the county where the project is located by binding arbitration in accordance with Construction Industry Arbitration Rules of the American Arbitration Association, and judgment upon the award rendered by the Arbitrator(s) may be entered in any court having jurisdiction thereof.

**This proposal is good for 30 days from date –
Scheduling will NOT be assigned until receipt of this executed document.
A Scheduling deposit of \$2,500.00 will be due upon execution of this contract.**

Thank you for the opportunity to serve you!

Respectfully Submitted: Brian M Calcote
Authorized Agent
The Good Guys Construction Services
512-644-1072

Brian M Calcote Date

Accepted: _____
Date

Q-1/32



Josh Westheimer [REDACTED]

Garage door quote

4 messages

Tue, Mar 19, 2019 at 12:09 PM

To: [REDACTED]

Good afternoon Josh,

It was a pleasure speaking with you. Please see below for your quote. Please let me know if you have any questions, will be happy to discuss.

Qty(1) 16'0"x 7'0" CHI 2240 Short Panel Garage Door, standard lift and track, standard white in color (TBD), external perimeter weather seal, removal and tear down of existing door, and Qty(1) liftmaster 8355w operator, 1 remote and wireless keypad. Total Turnkey Lump Sum Installed Price: \$2374

Same configuration as above in the Qty(2) 8'0"x7'0" doors. Total turn key lump sum is \$3344.

Let me know if I can help answer any questions.

Thanks,

Yen

Yen Carl

Cowart Door Systems – Sales & Project Mgmt
204 W. Powell Ln. Bldg. 2 Ste. B
Austin TX 78753
Phone 512-459.3467

Mobile 512-547-0286
Fax 512-459-7469

Email [REDACTED]

http://www.houzz.com/pro/cowartdoor/__public

Proposals are valid for 20 days and are subject to job site inspection to confirm conditions. Unless otherwise specified, quotes include standard installation with standard lift track on wood framing. Proposals include one site visit for measurement & inspection and one trip for installation. Additional trips required for consultation or resulting from site issues shall be charged separately.

Josh Westheimer [REDACTED] >

Tue, Mar 19, 2019 at 12:43 PM

Q-1/33

To: Brandi Esquibel [REDACTED] >

[Quoted text hidden]

--
Josh Westheimer, PhD
Licensed Psychologist
2520 Longview St #312
Austin, TX 78705
512-228-7791

Josh Westheimer <[REDACTED]>

Tue, Mar 19, 2019 at 12:44 PM

To: [REDACTED]

Thanks, Yen.

Josh
[Quoted text hidden]
[Quoted text hidden]

yen@cowartdoor.com [REDACTED]
To: Josh Westheimer [REDACTED]

Tue, Mar 19, 2019 at 1:24 PM

You're welcome. Let me know if you have any questions.

[Quoted text hidden]

CLOVERLEAF STUDIO

OWNER: JOSH + BRANDI WESTHEIMER
 1802 CLOVERLEAF DRIVE
 AUSTIN, TEXAS 78723
 T 512.228.7791

ARCHITECT: MERZBAU DESIGN COLLECTIVE
 2235 E. 6TH STREET #105
 AUSTIN, TX 78702
 T 512.636.5900
 CONTACT: J.C. SCHMELT, AIA

CONTRACTOR: CURRAN CONSTRUCTION
 CONTACT: NEIL CURRAN
 512.470.6345

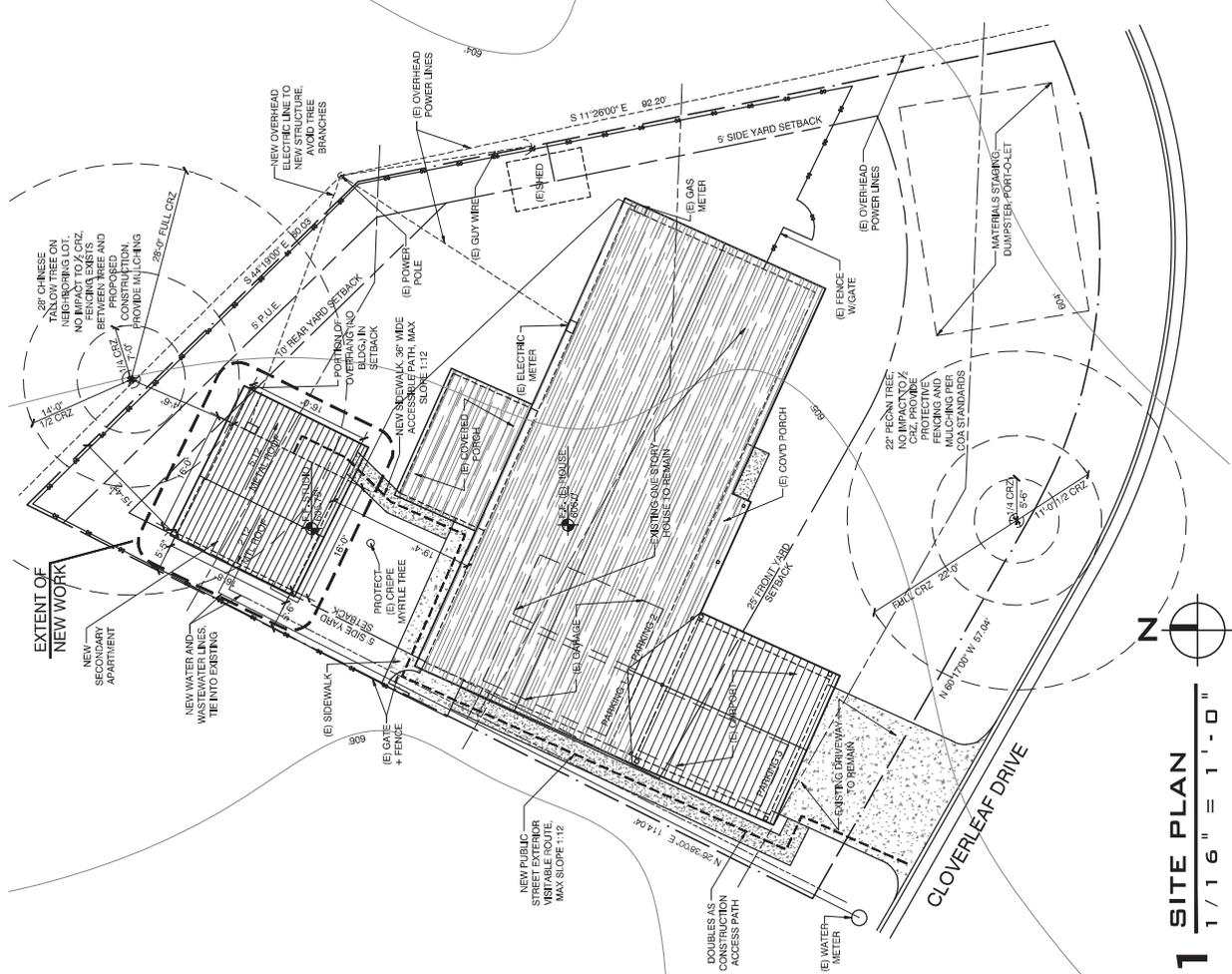
ENGINEERING: JIM STRUCTURAL ENGINEERING
 2400 EAST CESAR CHAVEZ #302
 AUSTIN, TX 78702
 T 512.505.8533
 CONTACT: JAVIER MARTIN, P.E.

SCOPE: NEW SECONDARY APARTMENT
 BEHIND EXISTING MAIN HOUSE.

ZONING: SF-3-4P, WINDSOR PARK

SQUARE FOOTAGES:
 EXISTING HOUSE: 1,226 S.F.
 NEW APARTMENT: 416 S.F.
 TOTAL: 1,742 S.F. CONDITIONED AREA

FAR: 2,149 S.F. (ALLOWABLE FAR 3,615 S.F.)
 TOTAL IMPERVIOUS COVERAGE: 3,293 S.F.
 ALLOWABLE IMPERVIOUS COVER: 4,067 S.F.
 (45% OF 9,038 S.F.)
 BUILDING COVERAGE: 2,698 S.F.
 ALLOWABLE BLDG. COVERAGE: 3,615 S.F.
 (40% OF 9,038 S.F.)



1 SITE PLAN
 1/16" = 1'-0"

3.9.18

MERZBAU DESIGN COLLECTIVE

J.C. SCHMEL, ARCHITECT AIA | TEXAS LICENSE NO. 20077
 T 512.636.5900 | E jcschmel@merzbau.com
 2235 E. 6th St. #105, Austin, TX 78702

CLOVERLEAF UNIT B

JOSH + BRANDI WESTHEIMER
 1802 CLOVERLEAF DRIVE
 AUSTIN, TX 78723

ISSUE	DATE
CCA REV 1	2/09/18
CONSTRUCT	3/09/18

ISSUE DATE: **3/09/18**
 SITE PLAN
 1/16" = 1'-0"

A1.1

SHEET INDEX:

SHEET NAME	NO.
ARCHITECTURAL	
SITE PLAN	A1.1
GROUND FLOOR PLAN	A2.1
ELECTRICAL - SCHEDULES	A2.2
BUILDING ELEVATIONS	A3.1
BUILDING SECTIONS	A4.1
WALL SECTIONS	A4.2
INTERIOR ELEVATIONS	A5.1
STRUCTURAL	
STRUCTURAL NOTES	S0.0
FOUNDATION + FRAMING	S1.0
ROOF FRAMING PLAN	S1.1
BRACING PLANS	S1.2
FOUNDATION DETAILS	S2.0
FRAMING DETAILS	S2.1

ISSUE TOP

Q-1/31

March 22, 2019

Members of the Board:

I have not yet seen the Westheimers' new "evidence." And I am not sure I need to. I implore the board to reject this variance once again and uphold the decision it made on March 11th. In so doing, I would like to point out a couple of things:

1. I have never liked this carport. I was not aware until I complained in September/October about the fence they built alongside it that there was something that could be done about it, as I had assumed it was permitted (the posts of the new fence were put on my side, incidentally, and they are extremely ugly, hence the reason I called 311 in the first place). The Board has already seen pictures from both from my master bedroom and my front yard of the carport and of the backyard, so I will not include them again here. The fact is: between the Westheimers' obscenely tall and clunky carport and the new fence, I literally cannot see light from that entire side of my property in the front yard. To be neighborly, I *might* have been willing to give the carport a pass even though unpermitted **IF** that were the only issue. If you look at the photos, however, you will clearly see that is not the case. I know that the Board doesn't want to consider the ADU and perhaps the fence as relevant to the case. But I do think that, when considering variances, the cumulative effects on neighbors of the property in question should be given consideration. I do think that information regarding the property, structures, and the parking spots that was provided to DSD in permit applications for the ADU is also relevant.

2. As you know, this is not the first time that the Board has considered a similar variance. You considered one in May of 2017. Now, I understand that, if variance requests are unopposed by those affected AND if they receive large support from the adjacent neighbors, the Board is sometimes compelled to grant them (and rightfully so. I thought the Board's decision regarding the boat dock at the last meeting was sage, incidentally).

However, that is **not** the case here. The cumulative effects of the Westheimers' recent construction projects have destroyed both my property value and the possibility of enjoying my yard. All of their new structures reside on my side of the property, so the opinions of those who live blocks away or even across the street do not reflect any understanding of what it means to live next door to the Westheimers. I am just trying to get SOME enjoyment of property back by reducing the profile of the Westheimers' buildings in the front yard. This could be in part achieved by getting their carport reduced to the size approved in the

neighborhood plan and their fence reduced back to the limits of the setback (which it also exceeds).

My questions to you are as follows: If the board were to grant this variance, does that mean that I can build a wall that is at least as tall and as long as the carport down the length of my front yard? Will the Westheimers be held responsible for covering the expense of that wall as a condition for this variance? Will they have to remove that terrible fence? Add pickets to my side of it? Would they be required to install a living wall on my side of the fence to hide the carport as a condition of granting this variance? I doubt it. Granting this variance would be allowing them to do me further harm and would do so without giving me any means to rectify it unless I go through the District Court. And I certainly don't have the means or desire to do that. If the BOA grants this variance (and it shouldn't), will it be contingent on either the City or the Westheimers doing anything to remediate the effects on my property?

This point about rezoning through variance and what granting them without a demonstrable unique hardship means was, incidentally, a point that was made by a member of this board in May of 2017 regarding another carport. The Austin Monitor reports: "Chair William Burkhardt constructed a doomsday scenario for McGarry, asking what he would think if his neighbor asked for the same variance. 'But maybe he didn't want to do what you've done,' he said. 'Maybe he wanted to build a wall.'"

3. As Mr. Van Ohlen said in May of 2017 regarding the same case just cited, "The fact that birds eat purple grapes is not a hardship...And Texas heat has been Texas heat since Mother Nature came along and Texas was created."

The fact is, there are PLENTY of people in Austin, in Windsor Park and on Cloverleaf Drive who do not possess any covered parking. I give you 1800 Cloverleaf and 1612 Cloverleaf as two examples (both are owned by my family. But we are by no means the exception). Felicitously, my children somehow survived infancy getting into unprotected cars; the Westheimers' child likely will as well—even without this variance being granted. Further, the Westheimers *do* have the opportunity to open up their garage and extend the roof by a few feet (as was pointed out last month by a few members of the Board). Of note: when the Westheimers purchased the property there was a small carport that was in line with existing city code and that was similar to most of the other ones in the neighborhood. They demolished that (without a permit) and built the structure that is currently there.

The street numbers of properties on Cloverleaf Drive that include **neither a garage nor a carport (and so no covered parking)** include:

1700, 1614, 1610, 1606, 1607, 1604, 1602, 1600, 1601, 1514, 1515, 1513, 1511, 1510, 1508, 1506, 1504, 1507, 1505, 1503, 1504, 1526, 1312, 1313, 1301, 1214, 1209, 1211, 1201.

Including my family's two homes, that means that **31 out of 106 homes on Cloverleaf** do not have covered parking of any variety. Somehow, all of these people continue to survive the Texas heat and bird poop, proving that covered parking is neither a right nor a basic human need.

Of the **105** homes on Cloverleaf Drive (excluding the Westheimers'), only **five** of those have carports that advance into the setback, and **not a single one of these goes above the roofline. Only the Westheimers' does that.** Of these, **only 3 of them** have *both* a carport and a garage. **There is no unique hardship here, which per city policy must be demonstrated in order for a variance to be granted.**

4. A driveway of 33.5 feet is NOT a unique hardship, despite what the Westheimers claim. The satellite view clearly shows that the shape of their lot does not affect their front yard or the length of their driveway negatively. The driveway of my home (right next door) is just shy of 35 feet. I guess if you want to grant them a 13-15 INCH variance, I could get behind that (after an exhaustive study of driveway lengths in the surrounding areas was carried out, of course). But any significant variance will just show special treatment, treatment that I don't feel that the Westheimers deserve. It is a bad idea and goes against the purpose of the Board.

Because of threats I have received and other matters I have already taken up (or tried to) with the Board and the City, I have decided not to attend the meeting on April 8th. That by no means evidences indifference on my part or my acceptance of this structure remaining in place. The variance should be denied and the carport should be heavily be modified so as to be brought up to code or demolished.

Thank you for your time.

Sincerely

Karen Pagani, Ph.D.

BOA CASE REVIEW SHEET

CASE: c15-2019-0012

BOA DATE: March 11, 2019

ADDRESS: 1802 Cloverleaf Drive

COUNCIL DISTRICT AREA: 4

OWNER: Josh Westheimer

AGENT: None

ZONING: SF-3-NP (Windsor Park)

AREA: Lot 8, Block 1, Delwood 4 East Section 2

VARIANCE REQUEST: Section 25-2-492 (D) front setback

SUMMARY: To maintain carport

ISSUES: Carport has been in current configuration since 2003

	ZONING	LAND USES
<i>Site</i>	SF-3-NP (Windsor Park)	Residential
<i>North</i>	SF-3-NP (Windsor Park)	Residential
<i>South</i>	SF-3-NP (Windsor Park)	Residential
<i>East</i>	SF-3-NP (Windsor Park)	Residential
<i>West</i>	SF-3-NP (Windsor Park)	Residential

NEIGHBORHOOD ORGANIZATIONS: Anberly Airport Association; Austin InnerCity Alliance; Austin Neighborhoods Council; Bike Austin; Black Improvement Association; Claim Your Destiny Foundation; Del Valle Community Coalition; Friends of Austin Neighborhoods; Friends of Northeast Austin; Homeless Neighborhood Association; Neighborhood Empowerment Foundation; Neighbors United for Progress; Preservation Austin; Responsible Growth for Windsor Park; SEL Texas; Sierra Club, Austin Regional Group; Windsor Park Neighborhood Association; Windsor Park-Pecan Springs Heritage Neighborhood Association



NOTIFICATIONS

CASE#: C15-2019-0012

LOCATION: 1802 CLOVERLEAF DRIVE



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

1" = 333'

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.





CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Q-1/41

Board of Adjustment General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, [click here to Save](#) the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. ***If more space is required, please complete Section 6 as needed.*** All information is required (if applicable).

For Office Use Only

Case # _	ROW # _	Tax # _
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Section 1: Applicant Statement

Street Address: 1802 CLOVERLEAF DR, AUSTIN TX 78723

Subdivision Legal Description:

LOT 8BLK L DELWOOD 4 EAST SEC 2

Lot(s): 8 Block(s): L

Outlot: Division: DELWOOD

Zoning District: SF-3

I/We Josh and Brandi Westheimer on behalf of myself/ourselves as authorized agent for affirm that on

Month February, Day 1, Year 2019, hereby apply for a hearing before the

Board of Adjustment for consideration to (select appropriate option below):

- Erect
 Attach
 Complete
 Remodel
 Maintain
 Other:

Type of Structure: Carport

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

Site Development Regulations for Zoning Districts (§25-2-492)

Building Permit Requirement (§25-12-241 [2015 IRC R105.1])

Section 2: Variance Findings

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

I contend that my entitlement to the requested variance is based on the following findings:

Reasonable Use

The zoning regulations applicable to the property do not allow for a reasonable use because:

The current regulations would deprive us of shaded parking for our vehicles. If we were to build a new carport up to current regulations, we would have 10 ft of usable space. The shape of our lot prevents us from having covered parking typical of the area.

Hardship

a) The hardship for which the variance is requested is unique to the property in that:

In 1989, the previous owners enclosed a carport that was part of the original footprint, creating a "garage." The "garage" is 15ft deep. A typical garage is 20 feet deep. The carport in question is our only option for shaded parking. Shaded parking is an amenity that was included in the designs of the houses in this neighborhood. Removal of the carport may also disrupt the root system of a protected pecan tree.

b) The hardship is not general to the area in which the property is located because:

Due to the unusual shape of our lot, there isn't another location for a compliant carport. Our lot is pie shaped and unusual compared to other lots in the neighborhood. Most of the square footage of our lot is in the front, much of it in the 25foot setback and therefore undevelopable.

Area Character

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

the carport is built solidly and within the style/architecture of the neighborhood. Surrounding properties are not affected by the structure. The carport has been in place since 2003 and has not caused any issues amongst neighbors. The neighborhood was developed in the 1950's-60's and the carport was intended to complement the home. It has an established vine that blends the structure with the natural environment. We receive many compliments on the aesthetics as well as the quality of craftsmanship.

Parking (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

Not Applicable

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

Not applicable

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

NA

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NA

Section 3: Applicant Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Applicant Signature: Joshua M Westheimer Digitally signed by Joshua M Westheimer
Date: 2019.01.30 12:11:53 -06'00' Date: _____

Applicant Name (typed or printed): Josh Westheimer

Applicant Mailing Address: 1802 Cloverleaf Dr

City: Austin State: TX Zip: 78723

Phone (will be public information): (512) 293-6235

Email (optional – will be public information): _____

Section 4: Owner Certificate

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: Joshua M Westheimer Digitally signed by Joshua M Westheimer
Date: 2019.01.30 12:12:14 -06'00' Date: _____

Owner Name (typed or printed): Josh Westheimer

Owner Mailing Address: 1802 Cloverleaf Dr

City: Austin State: TX Zip: 78723

Phone (will be public information): (512) 293-6235

Email (optional – will be public information): _____

Section 5: Agent Information

Agent Name: _____

Agent Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone (will be public information): _____

Email (optional – will be public information): _____

Section 6: Additional Space (if applicable)

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

Section 2: Variance Findings: Hardship a) - The complaint filed to the City of Austin regarding our carport was the result of an unrelated personal dispute with a neighbor. The neighbor took issue with a permitted structure completed in 2018. That structure is not the subject of the carport complaint.

Josh and Brandi Westheimer

1802 Cloverleaf Dr.

Austin, TX 78723

512-293-6235

February 25, 2019

Re: Variance Request for above address

Case Number: C15-2019-0012

To: City of Austin Board of Adjustment

The first homes in the Windsor Park neighborhood were built in the 1950's. They were modest, single level, ranch-style homes with driveways and covered parking. Many houses had carports and some had enclosed garages.

Josh purchased the home at 1802 Cloverleaf Dr in 2002. It was his first home purchase. Josh was in graduate school and liked the central location with proximity to the University. He also liked the affordability of the area. Windsor Park was not particularly desirable at the time as development of Mueller had not yet begun. 1802 Cloverleaf Dr, given its condition and size, was possibly the least desirable home on the block in 2002.

The previous owner had enclosed an original two-car carport that was part of the 1959 footprint. Unfortunately, in doing so, the previous owner created a space that is only 15 feet deep. There are few cars on the market today that will fit in a garage that is only 15 feet deep. A cursory web search yields typical garage depths of 20-24'. For reference, a 2015 Toyota Camry is 191" (~16') long. All this is to say the house came with a **hardship** that makes it different than originally intended by the builder and different than the other homes in the area.

The solution at that time was to construct a simple carport at the top of the driveway. This was undertaken in approximately 2003. Many homes in the neighborhood had/have similar carports constructed. Some of these were built to better structural or aesthetic standards than others. But all of them serve the purpose of creating covered parking for modest sized homes with limited available space. Please see included photos of other non-original carports within the immediate neighborhood.

The carport at 1802 Cloverleaf blends in with the surroundings, does not impair neighbors' use or enjoyment of their property and does not alter the character of the neighborhood; quite the contrary as it has been in place for 15 years. It is built to a high standard, consistent with other structures in the area. Please see letters of support from neighbors who are licensed architects. It is our position that in this case, removing the carport will neither restore an aesthetic nor improve usability of neighboring properties. Removal of this carport after 15 years will serve no purpose.

Viewing the provided survey, it is apparent that our lot is an unusual shape. It is shaped like a wedge with the larger proportion of land by the street and the smaller proportion in the rear of the home. This

also means that much of the space on this lot is in front of the 25' building line and thus not developable by current standards. Therefore, the shape of our lot constrains us from **normal use**.

One benefit to this odd shape and large front yard is that we have a beautiful pecan tree. It provides shade to the yard and the front of the house. As of 2018, The City of Austin deems this pecan a "**protected tree**" given its size. At 18" above grade, the trunk measures 75" circumference. The trunk is located 26' from the nearest carport post. The carport is located partially under the canopy and dripline.

We have also discovered an unintended but meaningful benefit this carport provides to the community. It occupies 305 square feet and is situated over concrete driveway (impermeable cover). It is designed such that runoff from the carport roof is diverted to the grass rather than falling onto the concrete where it would become runoff into the street. Calculations based on area and average rainfall suggest that over 6000 gallons of rainwater are being kept out of creeks and drains annually by this carport.ⁱ So we are doing our part to **protect the watershed!**

While our property attributes provide the primary rationale as we pursue this variance, **extenuating circumstances** should also be known to The Board. The complaint that yielded the code violation for which we are now seeking a variance was just one in a series of harassing events that we have endured over the past 11 months. We welcomed our first child in October and were expecting her when the dispute between us and our neighbor, Karen Pagani, began. She was upset by a permitted structure we were building. She openly declared her intention to cost us money. She made reference to wanting to cause difficulty for us as expectant parents, acknowledging the frailty of a "nesting" family. She then went ahead and subjected us to the City's Code Complaint process. Not because of a concern for safety or to preserve the aesthetics of the neighborhood, or because the use of her property was suddenly impaired, but as retaliation for an unrelated dispute. As a real estate professional, she was aware of the challenges we would face if she were successful in getting us cited for some sort of property violation. We have included a detailed chronology of the events that occurred between Karen and our family since April 2018. We request that these additional details be given some consideration. It is our hope that the results of this process would not embolden individuals to utilize City resources for purposes other than what they were originally intended.

Thank you,

The Westheimer Family

ⁱ 1 inch of water over an acre is 27,154 gallons <https://water.usgs.gov/edu/earthrain.html>; 305 sq feet = 0.007 acre; 1 inch of water over 0.007 acre is 190.1 gallons; Annual rainfall in Austin averages 32-36 inches https://soa.utexas.edu/sites/default/disk/preliminary/.../3-Ward-Austin_Climate_Data.pdf

Timeline and Summary of Neighbor Conflict

Josh and Brandi Westheimer (1802 Cloverleaf Dr.) offer this Summary to provide City of Austin code enforcement officers some context for the ongoing complaints made by neighbor Karen Pagani (1800 Cloverleaf Dr.) for various alleged code violations. Since April 2018, Ms. Pagani has engaged in a campaign of harassment targeting the Westheimer family, utilizing a number of tactics, including initiating repeated code complaints against the Westheimer family regarding their property.

Timeline of Events

7/2002

Josh Westheimer purchases the home at 1802 Cloverleaf Dr.

9/2009

Karen Pagani and, then husband, Olivier purchase the home at 1800 Cloverleaf Dr.

9/2009 - 4/2018

No complaints are made.

4/20/2018

- **Construction begins—Ms. Pagani threatens “sex offender refuge” and engages in lewd conduct in attempt to scare Westheimer family into abandoning construction project**

The Westheimer family—awaiting arrival of their first child—begin framing of a permitted structure in their back yard. Mid-morning on 4/20/2018, Ms. Pagani began sending text messages threatening, among other things, to construct a billboard reading “sex offender refuge here.” (***Link to text message chain here.***) Shortly thereafter, Ms. Pagani came to the door demanding to speak with Josh. Josh attempted to listen to her concerns. But, Ms. Pagani yelled insults at Josh, making offensive inappropriate comments of a sexual nature. At the end of her rant, and before Josh could react, Ms. Pagani aggressively lifted her shirt to expose her bare breasts. The interaction was extremely disconcerting and left the Westheimer family concerned about what she might do next.

After this interaction, Ms. Pagani threatened by text to do everything in her power to stop the project and ruin any possibility that Josh and Brandi have of recouping their investment. She threatened to disparage Josh and Brandi by making false reviews on websites like AirBnB and further threatened to expose the Westheimer family and guests to nudity and inappropriate conduct such as “naked yoga”. (***Link to text message chain here.***)

Josh heard from several neighbors that Ms. Pagani had approached each of them to attempt to team up against Josh and Brandi to stop this project, encouraging them to file complaints with the city. Josh has since spoken with each of the neighbors. They have apparently declined to join Ms. Pagani. Josh and Brandi continue to have a cordial, neighborly relationship with each of the neighbors Ms. Pagani approached.

- **Ms. Pagani sprays construction workers with hose, creating unsafe work environment and halting construction**

Around 1pm, Josh received a call from Neil Curran (General Contractor) that Ms. Pagani was using a hose to spray the workers in Josh and Brandi's back yard. Neil told Josh the work had to stop due to unsafe conditions. When Josh arrived home two hoses were set to spray over the fence and onto the construction project creating a wet, muddy mess.

Josh made a 311 call to get police assistance in this matter. The hoses continued spraying the work site although Ms. Pagani was not in sight at this time. The workers began to work again installing the roof beam and rafters. Ms. Pagani appeared and began directly spraying the men on the scaffolding while they were attempting to install the beam. (Neil Curran and neighbor, Gary Lockhart were present at the time). Josh called 911 and reported the issue. APD Officer Cole and his partner arrived, saw what had been happening and forced Ms. Pagani to turn off the hoses. The officers indicated to Josh that Ms. Pagani had insisted that while she agrees to stop hosing the workers, she will continue to try and make trouble for Josh and Brandi in various ways, including lawsuits, city permitting complaints, "nude sunbathing," and "naked yoga." Officer Cole shook Josh's hand and advised he call him if he needs further assistance. (See case number referenced at top of this document)

At approximately 5pm the workers were cleaning up the site and preparing to leave. Ms. Pagani was standing on a ladder at the shared fence attempting to tape a sign stating "Nearly Nude Yoga (Flesh Colored Thongs)" that pointed towards Josh and Brandi's back yard ([Link to image reference here](#)). She made insulting and sexually suggestive comments in the workers' presence.

That evening, Ms. Pagani began placed signs in her yard facing the street and the Westheimer family home with messages directed to Brandi ([Link to image references here](#)). Text messages continued through the evening indicating that 15 half nude sunbathers would be on her lawn in the morning.

Ms. Pagani's conduct is the subject of APD Case# 185015451 (assigned to Detective Adam Torres).

4/21/2018—Austin Code Complaint #1

- **Ms. Pagani sends veiled threats to Brandi—who was 5 months pregnant at the time.**

Ms. Pagani began texting Josh at 8am regarding visitors to her property. She placed signs in her yard facing the Westheimer house alluding to Brandi's health and comfort as she is pregnant. ([Link to image reference here](#)). One of the photos references diseases that cause birth defects (and appears to encourage people infected with such diseases to sit in a chair located at the property line between the two houses). Brandi – pregnant at the time – was appropriately horrified by the sign and concerned about Ms. Pagani's behavior.

- **Ms. Pagani recruits a group of men to harass the Westheimer family**

At approximately 10am four men drove up in a black Nissan Titan pickup truck. They got out of the truck and began to set up chairs and equipment at the property line in Ms. Pagani's front yard. Using horns, amplified musical equipment, kazoos and yelling, they proceeded to cause a disturbance for approximately two hours. At various points, the men would walk out in the street and look in Josh and Brandi's front windows. One of the men also bared his buttocks "mooning" in the direction of Josh and Brandi's house. The across the street neighbor, Gary Lockhart, witnessed this behavior from his driveway. Gary reports that one of the men in the truck had approached him apologizing for the disruption and stated that he was being paid to do this.

At approximately noon, the rain started and the noise stopped.

After the rain stopped, Ms. Pagani parked her car in front of Josh and Brandi's house (she has a double sized driveway). She played her music loudly, smoked cigarettes and drank coffee while sitting on the hood of her car. When she saw Josh and Brandi through the window she would flip them off. This went on for several hours. She continued parking in front of the house for several days, smoking cigarettes, playing music, and flipping Josh and Brandi off as she passed.

At 10pm additional texts were sent from Ms. Pagani referencing Brandi's pregnancy. She suggested that if they had a good, neighborly relationship, she would be more likely to try and make Brandi comfortable in her pregnancy. Ms. Pagani expressed her "concern" regarding Brandi's wellbeing and possible sensitivity to smells related to her pregnancy.

4/22/2018

- **Ms. Pagani creates a nuisance at the Westheimer home through noise, signs, and noxious liquids and garbage placed along the property line.**

Ms. Pagani placed garbage at the property line and poured some sort of foul smelling liquid along the property line (both front yard and back yard). Additional signs were placed facing Josh and Brandi's home.

Josh left for errands around noon. Shortly after noon the black Nissan truck arrived. Men got out and drank beer and smoked, along with Ms. Pagani, in front of Josh and Brandi's house for about an hour.

Brandi left at 1pm.

Brandi returned at 4pm and saw painted in bold letters on Ms. Pagani's house the words "BE BETTER" facing Josh and Brandi's home. ([**Link to image reference here**](#)).

Ms. Pagani moved her car from in front of Josh and Brandi's house but replaced it with her tenant's car, where it remained for a week. Her garbage cans remain along the property line. ([**Link to image reference here**](#)).

5/2018

Over a period of a week or more, Ms. Pagani had constructed an L shaped fence structure to hide her garbage cans. The structure is situated such that the garbage cans are placed along the property line and the fences shield them from view on two sides. They are in full view from Josh and Brandi's driveway.

5/8/2018—Austin Code Complaint #2 is entered

5/2018 – 8/2018

Josh and Brandi decided to do nothing, letting the issue rest, in hopes that Ms. Pagani would tire of this behavior and eventually stop placing her garbage along the property line.

8/17/2018

Josh and Brandi construct a privacy fence along the property line. During construction, workers reported that Ms. Pagani came out of the house and spread some sort of foul smelling liquid along the property line while they worked.

8/21/18— Austin Code Complaint #3 is entered

Ms. Pagani has relocated her garbage cans to the end of the new fence so that they are now still in view of Josh and Brandi's driveway.

8/28/18

Neighbor, Martin Luecke, stops by to let Josh know that he has been upset by the trash on Ms. Pagani's property. He adds that he took the action of moving her trash cans to the top of her driveway. He reported that she confronted him about this angrily. He states that in a lengthy text conversation she continues to assert that she has been wronged by Josh and Brandi and that she is doing whatever she can to be a nuisance to them. Martin reports that he attempted to reason with Ms. Pagani but was unable to convince her to move her trash to a more suitable location. He states he has asked for assistance from Austin 311.

Austin Code Complaint #4 is entered

9/14/18

City of Austin Code Compliance Inspector, Richard Lamancusa, visits the property at 1802 Cloverleaf. He speaks with Josh about a complaint. Josh relays some of the history of the issues noted above.

9/21/18

Austin Code Complaint #5 is entered

10/14/18

City of Austin Code Compliance Inspector, Anthony Rainey, visits the property at 1802 Cloverleaf. He speaks with Josh about a complaint. Josh relays some of the history of the issues noted above. Per Mr. Rainey's request, Josh calls Mr. Rainey's work telephone and leaves voicemail with Josh's personal cell number and address for future communication.

12/4/18

Austin Code Complaint #6 is entered

12/5/18

Code Compliance Inspector, Rainey calls to speak with Josh about complaints received and indicates the case from 9/21/18 had been closed. He alerts Josh to complaint #6 and informs Josh that this issue is being handed off to another inspector. Mr. Rainey provides Josh with the information of his supervisor, John Christophe.

12/6/18

Code Compliance Inspector, (unknown name) visits the property at 1802 Cloverleaf dr. He indicates he is investigating a complaint related to short term rental activity without a permit. Inspector indicates

awareness of the issues occurring with the neighbor and the multiple complaints filed. Josh assures the inspector that he is aware of the need to have a permit/license to operate a short term rental business. Josh clarifies that he has never leased the property and has no current intention of doing so. Josh also assures the inspector that should Josh and Brandi decide to rent out their extra space, they would abide by the permitting/licensing rules set out by the city. Inspector then indicates he is satisfied to close the case and leaves.

Note: Events titled "Austin Code Complaint" refer to cases lodged against Josh and Brandi's property at 1802 Cloverleaf Dr. It is presumed that these originate with Ms. Pagani and while inspectors were unable to verbally verify this to be true, they also did not deny she had been the complainant.

Final Note: Josh and Brandi welcome the opportunity to discuss any issues regarding their property with City of Austin officials and remain hopeful that Ms. Pagani will soon stop her campaign of harassment on her own accord and without the necessity of further intervention. What was left out of the timeline is the birth of our first child in October. Needless to say, we have more productive ways to focus our time and energy.

4/20/18, 10:40 AM from Karen Pagani

Wait: this thing is going to be two stories high? They let you permit that this close to a fence line?

4/20/18, 10:54 AM from Karen Pagani

That's a bs move and unneighborly. I'm reporting to the city in an effort to halt construction on a second floor.

4/20/18, 10:58 AM to Karen Pagani

Karen, we have spent a lot of time and effort to make sure we are following the rules.

4/20/18, 10:58 AM from Karen Pagani

With ethical considerations aside, obviously. You're trashing my quality of life and property value.

Stop.

4/20/18, 10:59 AM from Karen Pagani

I'll be putting up a big billboard two stories in my back yard with a picture of a vagina right outside the window that says "nothing like waking up to the smell of cunt rot in the morning. Sex offender refuge here."

4/20/18, 11:02 AM to Karen Pagani

Wow

4/20/18, 11:02 AM from Karen Pagani

Yeah. That's what I said when I saw this. Rules?? This is how you treat neighbors. Omg!!!

I will do everything to make it not rent within the bounds of the law.

4/20/18, 11:03 AM from Karen Pagani

Stop with the second story. I can have any signage I want in the backyard.

4/20/18, 11:20 AM from Karen Pagani

Uhh...looks like you forgot to cross a few t'a and one big l. Report is in with city. Better to stop. It's more expensive to demolish and have to re-plan.

You really have no conscience or common decency.

4/20/18, 11:30 AM to Karen Pagani

I did let you know we were doing this and have been open to talk about it. Your privacy, that of our other neighbors and also the privacy of people staying here have always been a concern of ours.

4/20/18, 11:32 AM from Karen Pagani

Really? Privacy? Is that why they are framing two windows looking into my backyard.

One story: fine. I am and was supportive of this. Tho is bs. What if I want to play the bongos nude at night or naked sunbathe?

Re-plan. It will cost you more.

4/20/18, 11:33 AM from Karen Pagani

I'm getting the city involved and an attorney if you don't halt the second story--today (well city is already involved).

4/20/18, 11:43 AM from Karen Pagani

Right. No response.

4/20/18, 11:44 AM to Karen Pagani

I'd much rather work with you than against you. But it appears you have already made up your mind.

4/20/18, 11:47 AM from Karen Pagani

Then stop with the second story.

4/20/18, 11:54 AM from Karen Pagani

So you asked the neighbor if he wanted windows overlooking his yard but not me? Talked to him about extending the fence height? Not me?

4/20/18, 11:55 AM from Karen Pagani

This is the thing: work with me?!? When the he did you do that?

4/20/18, 11:56 AM from Karen Pagani

The people behind you don't want to two stories either. Not that you care. It's all about what josh and brandy want. Do josh and brandy plan on renting this thing to pay it off? I will do everything b I can to make that take a LONG time to do.

4/20/18, 12:03 PM from Karen Pagani

Your neighbor is pissed as well. She plans on doing naked yoga. No one wants this, Josh.



4/20/18, 12:26 PM from Karen Pagani

This is what my asshat of a neighbor feels entitled to build.

4/20/18, 12:32 PM from Karen Pagani

Martin's response, "wow. That sucks. No idea it was going to be two stories."

4/20/18, 12:38 PM from Karen Pagani

When they talk about entitled gen x-ers, this is the type of thing they are talking about. No regard for anyone else except for themselves.

Every time you rent it and especially when your in laws are there, I will be exercising my right to have people over for naked yoga in the back yard.

See: I have never done that OUT OF RESPECT FOR MY NEIGHBORS. But, we'll, that's all about to change.

4/20/18, 1:46 PM from Karen Pagani

Fine. Ignore my and your neighbors' needs and wishes. Two way street.

4/20/18, 2:45 PM from Karen Pagani

Also put the ugly side of the fence on the neighbor's yard--and had them pay half. I see what kind of guy you are.

4/20/18, 3:33 PM from Karen Pagani

You won't be able to use it as a short term rental for more than 30 days a year of built after 10/1/2015--whether it's one story or two.

4/20/18, 4:46 PM from Karen Pagani

The messages will change depending on your clientele. But...if you don't care about what things look like from my side of the fence, enjoy the ever evolving view from your driveway.

4/20/18, 7:06 PM from Karen Pagani

Btw: please don't mind the half naked sunbathers facing your driveway tomorrow. They have my permission to be there.

4/20/18, 7:09 PM from Karen Pagani

As a courtesy to the other neighbors: I got a pretty one lined up for tomorrow. They'll be 15 of them, of all shapes and sizes any time I see the light on in the unit. Stop building. Renegotiate. I can go on like this for decades for the half of the week I don't have my kids ☐

4/21/18, 8:32 AM from Karen Pagani

Hey, I have some friends coming by today who will be hanging in my front yard and washing their car. They have my permission to be there.

4/21/18, 10:09 PM from Karen Pagani

The sign I want to write: Dear Brandy's Parents,

I want to congratulate you on raising such a considerate and giving individual. You must be so pleased she married such an empathetic, considerate and kind man. Please don't hesitate to call me if my stupid dogs are bothering you. Also: this season I went with gardenias and roses. But if there is a more fragrant flower you would prefer, do let me know.

Welcome to Austin and Windsor park."

Give me a reason to write this sign and be this neighbor. You haven't.

4/21/18, 10:13 PM from Karen Pagani

We've got a good twenty to thirty years of disliking each other. It can be a cold but comfortable peace.

Also: if and when you do succeed in conceiving, tell brandy to avoid bad smells-especially early in the morning. 'Twas always the devil for me.

I am happy to dialogue with her moving forward. Please tell her to contact me.

4/21/18, 10:21 PM from Karen Pagani

But...only her.

Please pass the message I'm. Apparently the laws in Texas are MUCH looser than in the north east. You can do almost anything in this state as long as you wear a thong. Ridiculous. But...true. Have brandy call me.

4/21/18, 10:25 PM from Karen Pagani

A real mom knows how to stand up for her own interests and her child's. A real mom knows that there's more to parenting than just staying within the bounds of the law.

Y'all know that, right? Cause...nest building. You want to make them a nice, quiet, nice smelling one.

4/21/18, 10:28 PM from Karen Pagani

No price tag for that. It takes a village. A community. Good Neighbors to make it feel like that.

IMAGE A

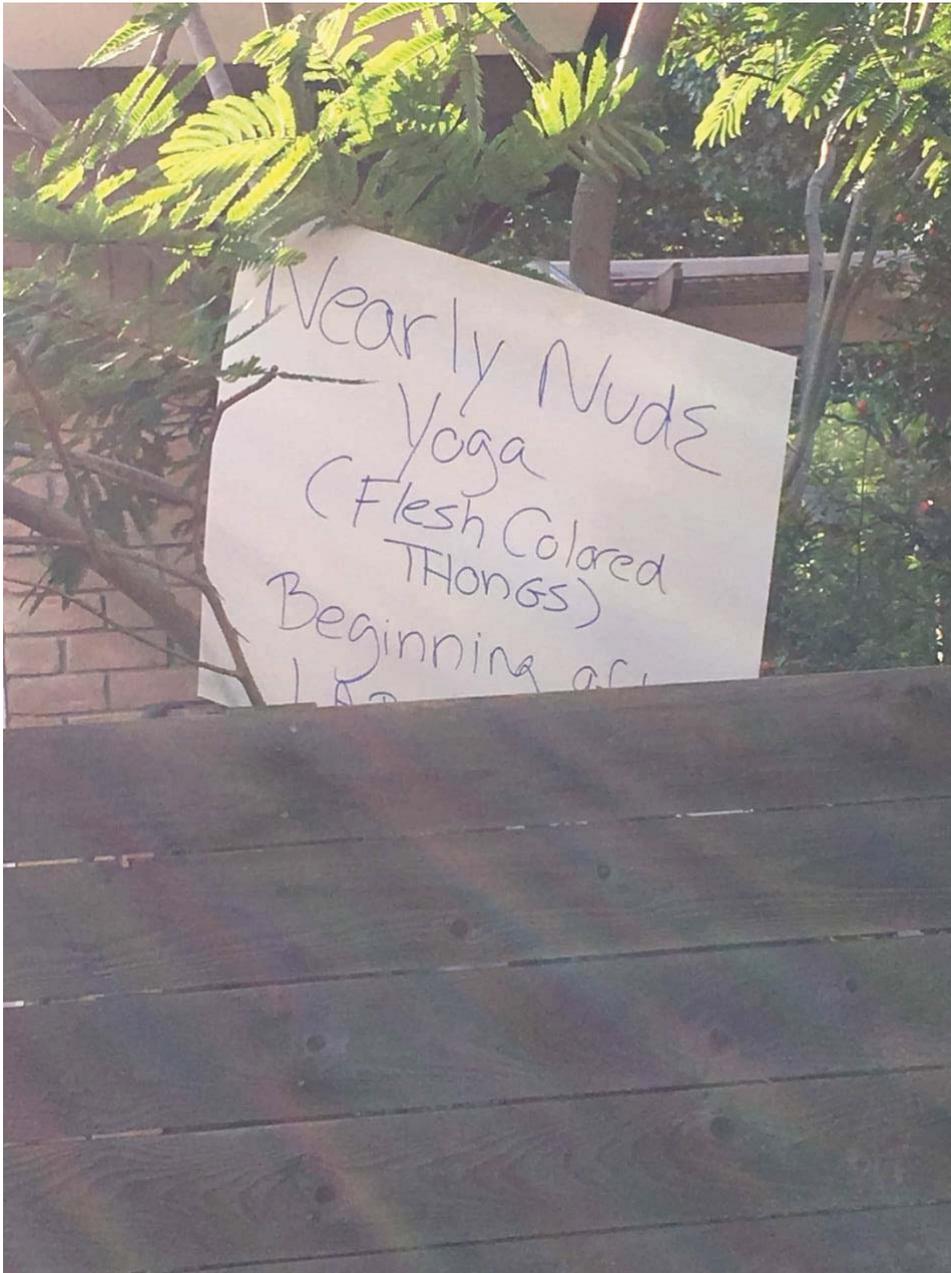


IMAGE B

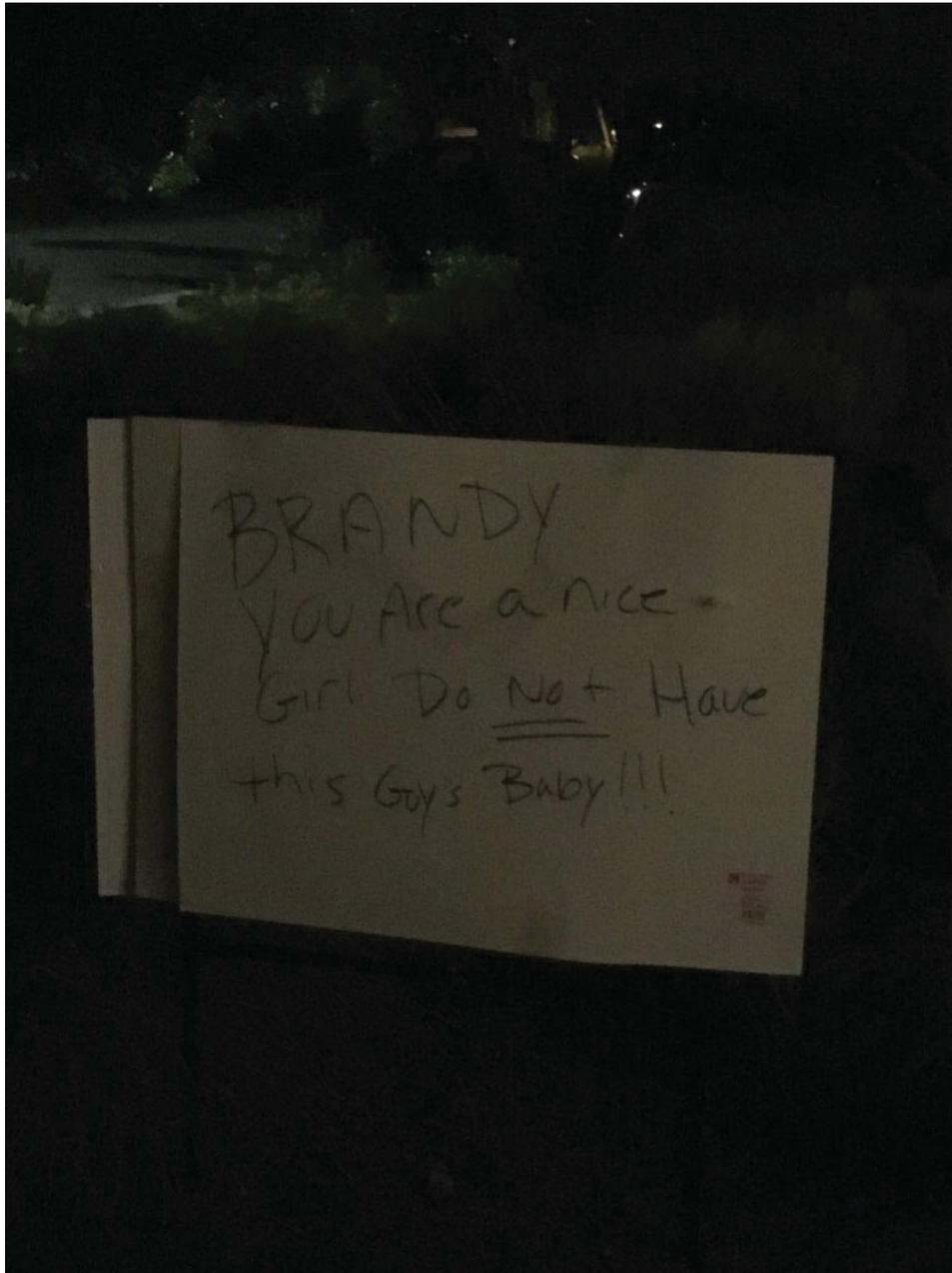


IMAGE C



IMAGE D

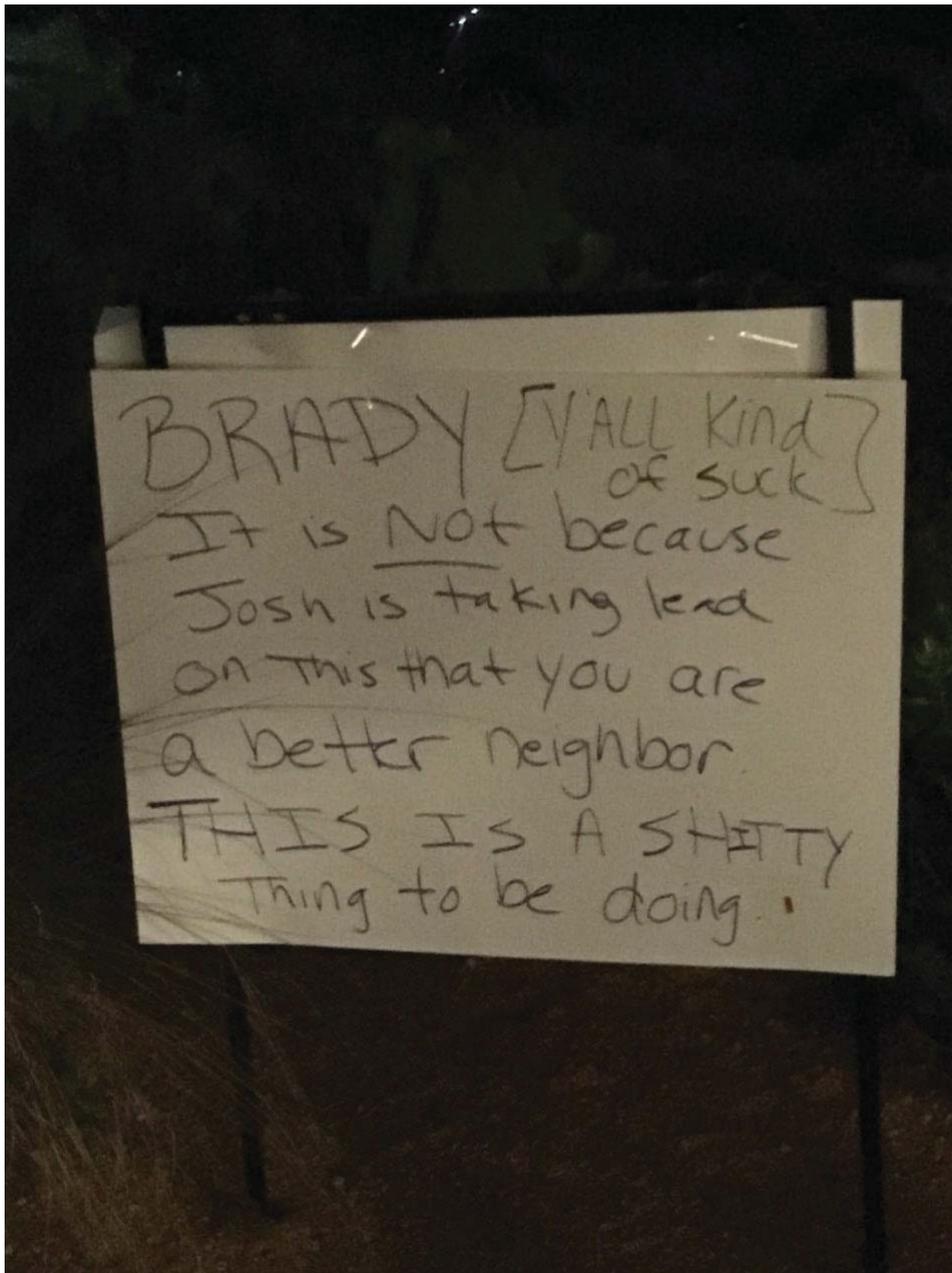


IMAGE E

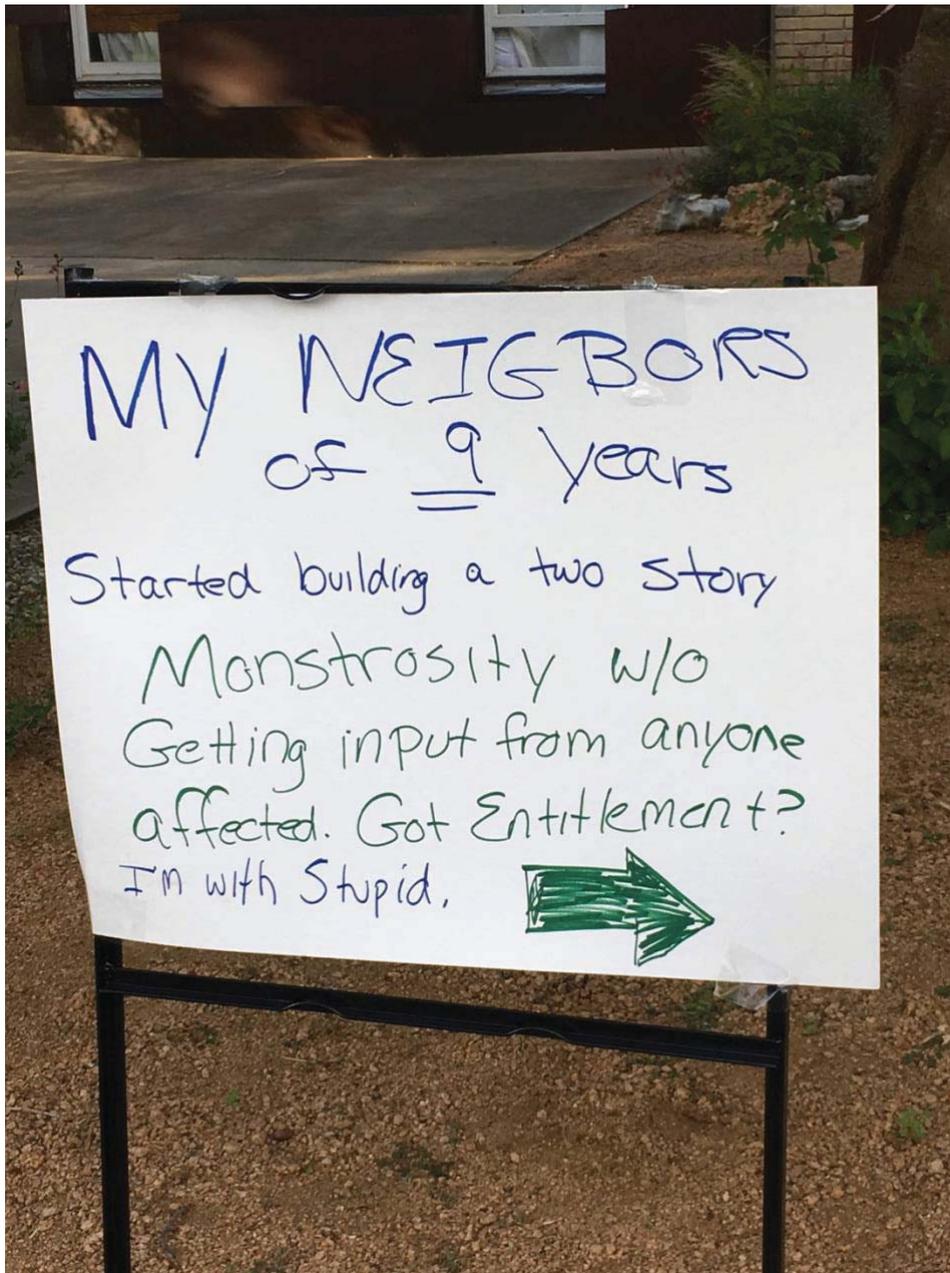


IMAGE F

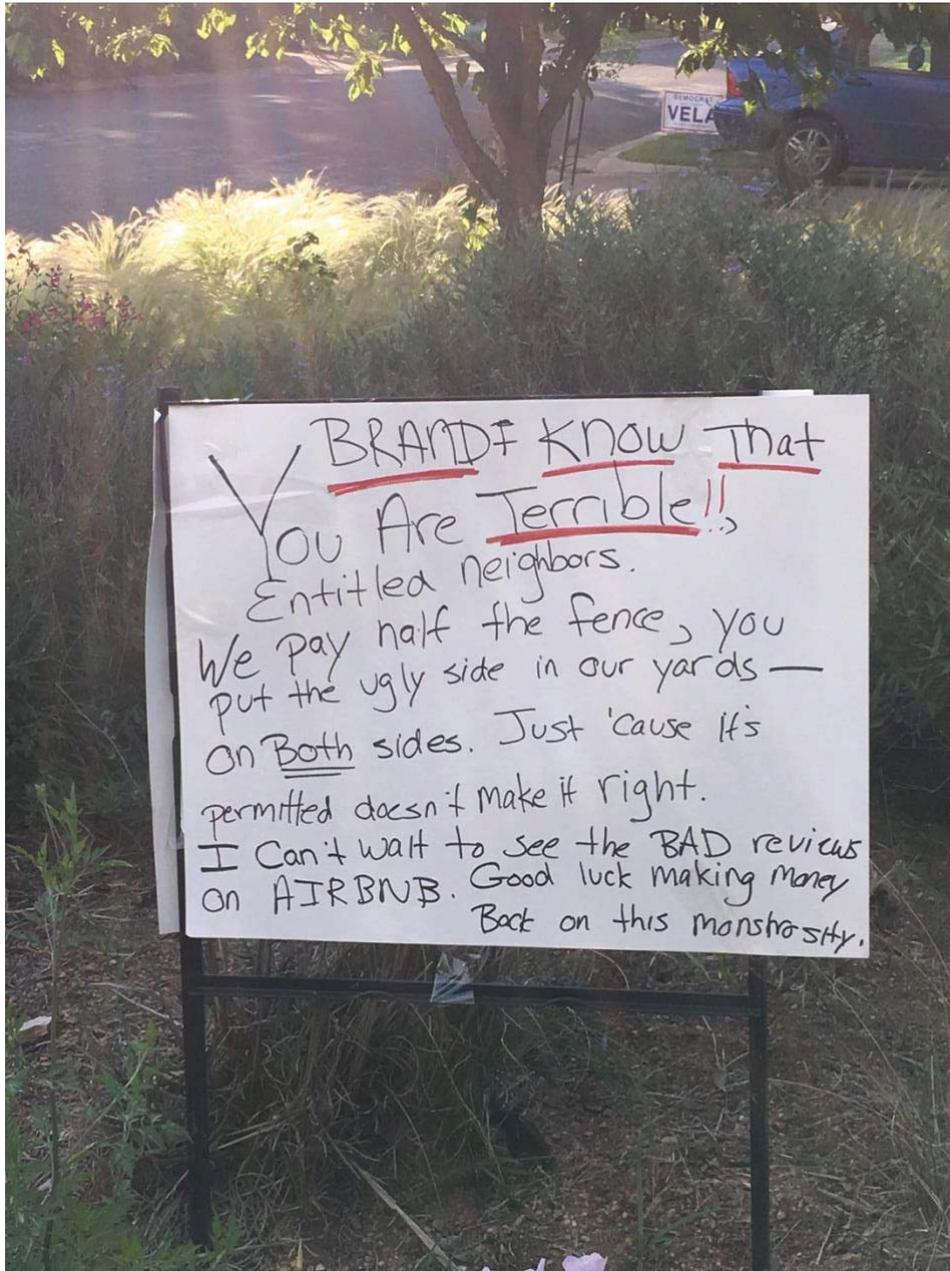


IMAGE G

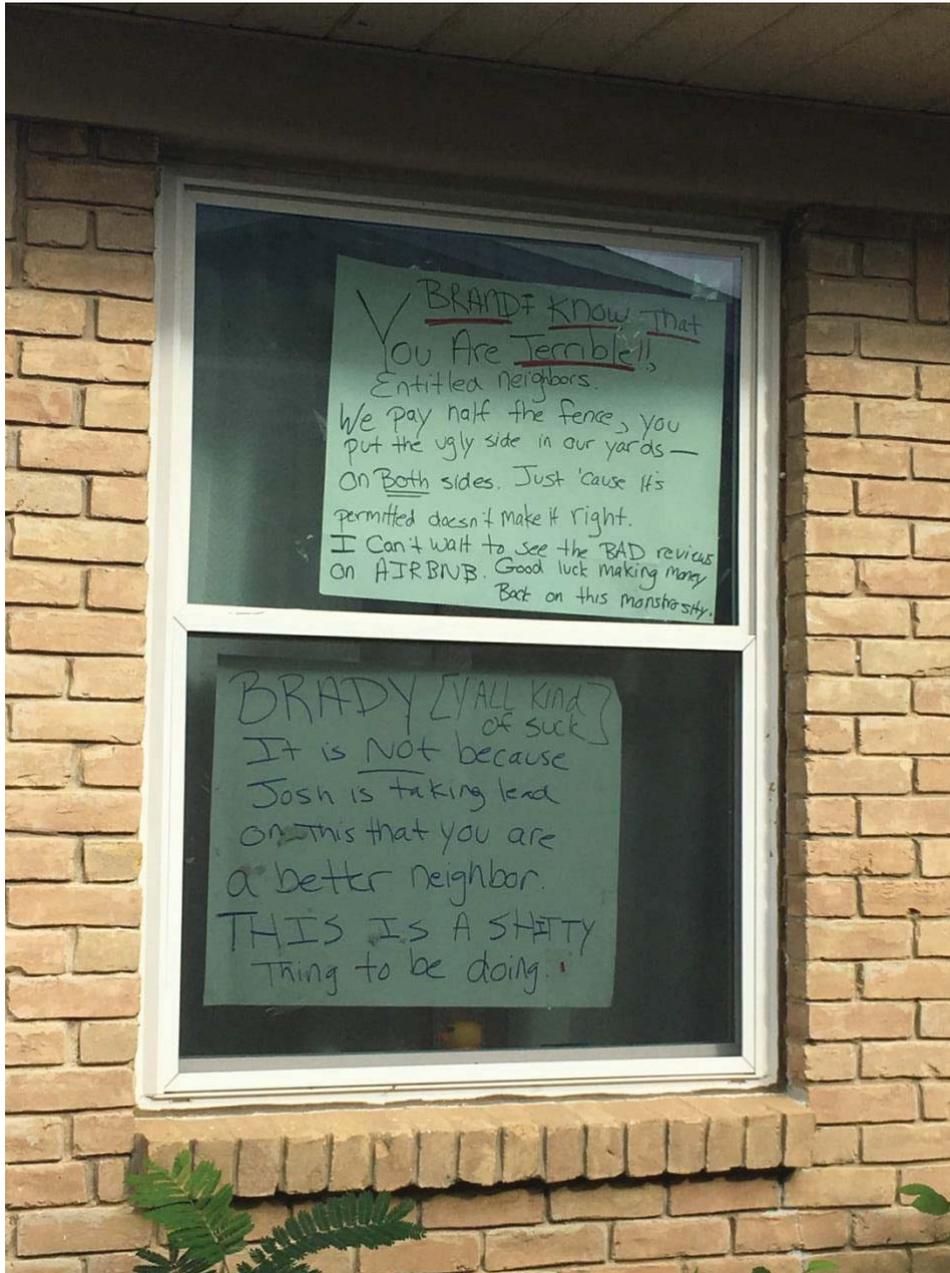


IMAGE H

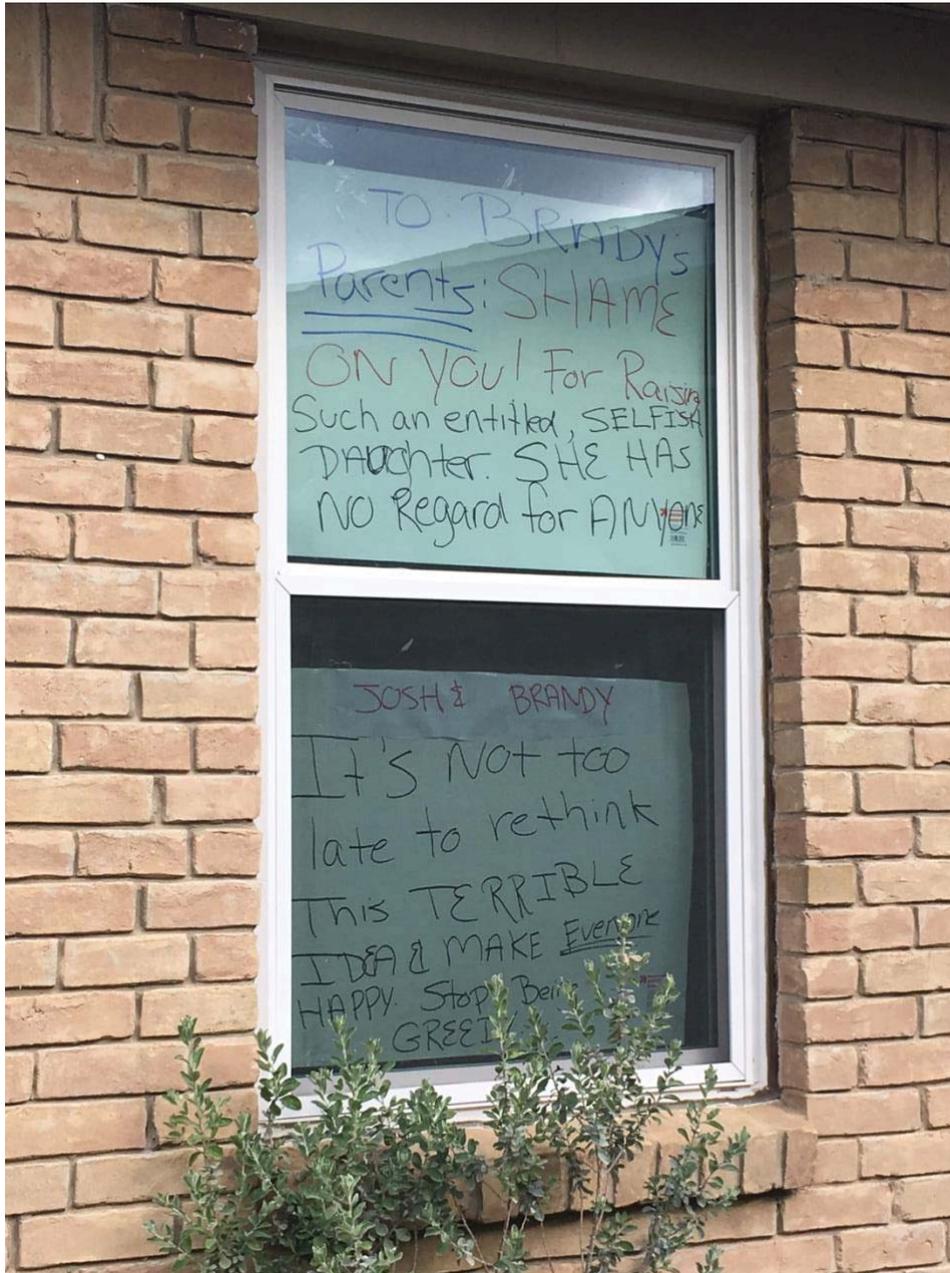


IMAGE I



IMAGE J



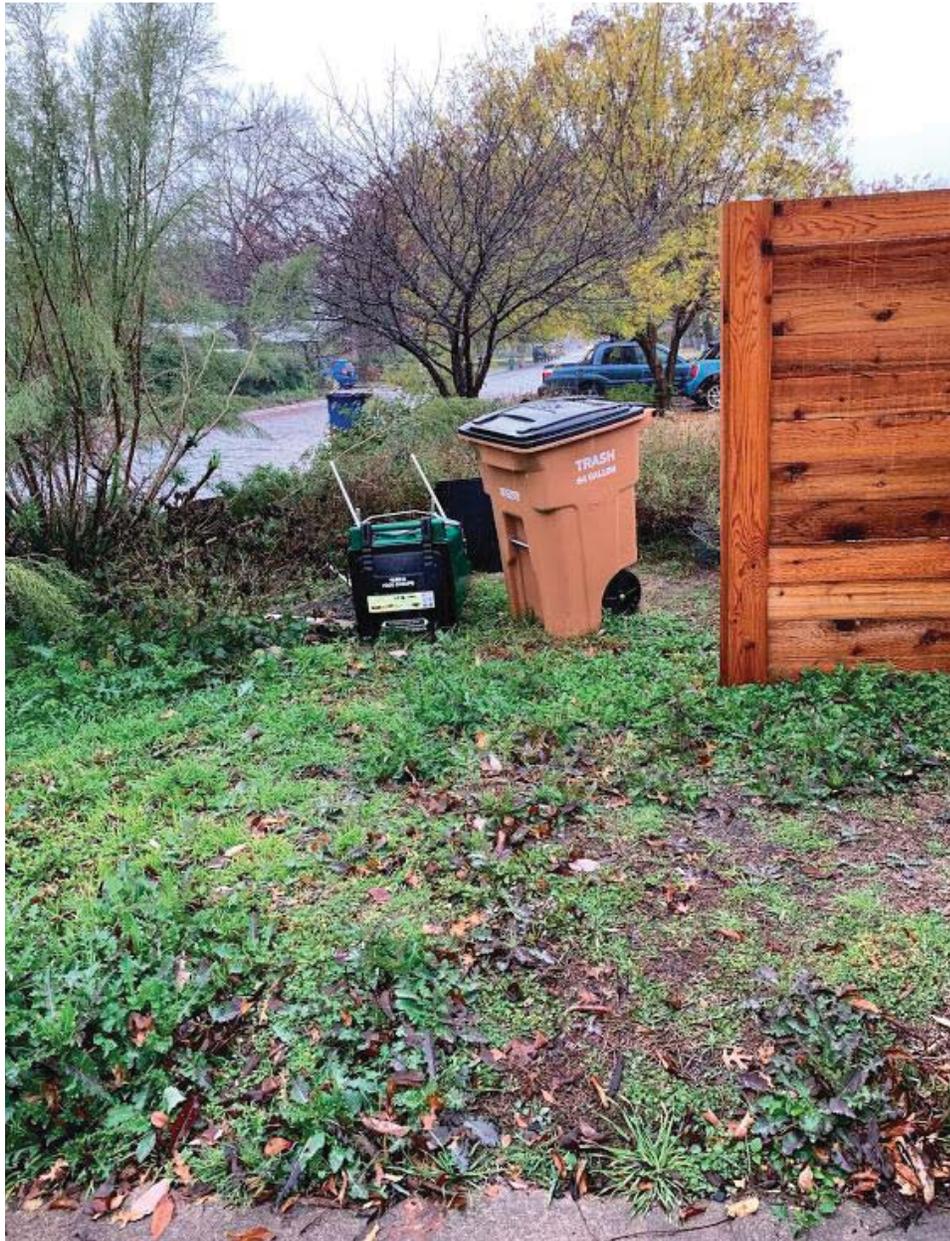
IMAGE K



IMAGE L



IMAGE M



Q-1/73



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FOLDER DETAILS

Permit/Case:	2018-005035 PR
Reference File Name:	2018-005035 PR
Description:	New Secondary Apartment in backyard
Sub Type:	R- 102 Secondary Apartment
Work Type:	New
Project Name:	1802 CLOVERLEAF DR
Status:	Approved
Application Date:	Jan 12, 2018
Issued:	Mar 5, 2018
Expiration Date:	Jan 14, 2019

FOLDER INFO

Q-1/74

Description	Value
Airport Overlay	
Airport Overlay Approval Date	
Airport Overlay Comments	
Approved Flood Plain Elevation	
Board of Adjustment Case Number	
Board of Adjustment Date Approval	
Certified Applicant Type	Architect
Date Applied for Septic	
Does Carport have habitable space above?	No
Does property access a paved alley?	No
Does property access a paved street?	Yes
Driveway Width 1	0
Driveway Width 2	
ESPA Application Number	JGM 12-330 (2 story detached structure)
ESPA Approval Date	2018-01-12
Electric Service Planning Application Req'd?	No
Elevation Certification required	
Finished Floor Elevation	
Flood Plain Elevation 25	
Flood Plain Elevation 500	
Flood Plan Elevation 100	
Front Set Back	25
Has Smart Housing Been Approved?	No
Is there Auxiliary Water?	No
Is there a Cut & Fill in excess of 4 ft	No
Is there an existing Board of Adjustment case?	
Is this a Legal Lot ?	Yes
Is this a former Landfill Site?	No

LDC Section?	
Land Status Case Number	
Maximum FAR allowed	3615.2
Number of Parking Spaces Required	0
Ordinance # Related to Address/Project	
RDCC Approval Date	
RDCC Modification	
Rear Set Back	10
Side Set Back	5
Site has Waste Water availability?	Yes
Site has Water availability?	Yes
Site has a septic system?	No
Size of Water Meter	n/a
Smart Housing ID#	
Smart Housing Waiver Percent	
Square Footage of Lot	9038
Status	PLAN APPROVED
Street Side Set Back	15
Subdistrict	NONE
Total Gross Floor Area	0
Total Gross Floor Area Percent of Lot	9038
Total New/Addition Bldg Square Footage	416
Total New/Remodel Building Area > 5,000 Sq Ft?	No
Total Number of Driveways	1
Total Number of Sidewalks	0
Usage Category	102
Certificate of Occupancy to be Issued	Yes
Code Type	International Residential Code
Code Year	2015
Current Use	single family

Number of Floors	2
Number of Units	1
Proposed Use	New Secondary Apartment in backyard
Existing 1st Flr Area Sq. Ft	1326
Existing 2nd Flr Area Sq. Ft	0
Existing 3rd Flr Area Sq. Ft	0
Existing Attached Garage/Carport Sq. Ft	746
Existing Balconies Sq. Ft	0
Existing Basement Sq. Ft	0
Existing Breezeways Sq. Ft	0
Existing Covered Patios Sq. Ft	204
Existing Covered Porches Sq. Ft	121
Existing Detached Garage/Carport Sq. Ft	0
Existing Othr Bld/Covered Areas Sq.Ft	0
Existing Swimming Pool(s) Sq. Ft	0
Existing Wood Decks Sq. Ft	0
No of Bathrooms	3
Specify (Existing)	
Total Existing Building Square Footage	2397
New/Addn 1st Flr Area Sq. Ft	261
New/Addn 2nd Flr Area Sq. Ft	155
New/Addn 3rd Flr Area Sq. Ft	0
New/Addn Attached Garage/Carport Sq. Ft	0
New/Addn Balconies Sq. Ft	0
New/Addn Basement Sq. Ft	0
New/Addn Breezeways Sq. Ft	0
New/Addn Covered Patios Sq. Ft	0
New/Addn Covered Porches Sq. Ft	0
New/Addn Detached Garage/Carport Sq. Ft	0
New/Addn Other Bldg/Covered Areas Sq.Ft	0

New/Addn Spa Sq. Ft	0
New/Addn Swimming Pool(s) Sq. Ft	0
New/Addn Wood Decks Sq. Ft	0
Specify (New)	
AW Industrial Waste Review?	No
AW TAP Application Review?	No
AW UDS TAP Plan Review?	No
Flood Plain Review Required	No
Grading and Drainage Review?	No
Health Department Review?	No
Is Property in Erosion Hazard Zone?	No
Is there Onsite Sewage storage?	No
Is there a protected size tree on this or adjacent lot?	Yes
Existing 1 FI Area	1326
Existing 1 FI Area-Ceiling Ht over 15'	0
Existing 1FI Area-Ceiling Ht 15' or less	1326
Existing 2 FI Area	0
Existing 2 FI Area-Ceiling Ht over 15'	0
Existing 2 FI Area-Ceiling Ht 15' or less	0
Existing 3 FI Area-Ceiling Ht over 15'	0
Existing 3 FI Area-Ceiling Ht 15' or less	0
Existing 3rd FI Area	0
Existing Basement Gross Area	0
Existing Carport	366
Existing Garage attached	380
Existing Garage detached	0
Existing Total 1 FI Gross Area	1326
Existing Total 2 FI Gross Area	0
Existing Total 3rd FI Gross Area	0
Existing Total Sq Ft	2072

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Is Property w/in 200 ft. of Hazardous Pipeline?	No
Current Zoning for Building	SF-3-NP
Flood Plain	
Is this property in MUD ?	No
Name of Historic District	
Name of NCCD	
Name of Neighborhood Plan	WINDSOR PARK
P.U.D. Name/Case Number	
GIS Zoning 1	
GIS Zoning 2	
GIS Zoning 3	
GIS Zoning 4	
GIS Zoning 5	
AC Pads Sq. Ft	9
Concrete Decks Sq. Ft	0
Driveway area on Private Property Sq. Ft	200
Max. Bldg. Cov. Sq. Ft. Allowed	3615.2
Max. Impervious Coverage Sq Ft Allowed	4067.1
Other Sq. Ft	0
Sidewalk/Walkways on Private Property Sq. Ft	325
Total Impervious Coverage Percent.of Lot	36
Total Impervious Coverage Square Footage	3293
Uncovered Patios Sq. Ft	101
Uncovered Wood Decks Sq. Ft	0
Total Valuation New	35000
New/Addition Basement Gross Area	0
New/Addition Carport	0
New/Addition Garage attached	0
New/Addition Garage detached	0
New/Addition Total Sq Ft	477

New/Addn 1 FI Area	261
New/Addn 1 FI Area-Ceiling Ht 15' or less	261
New/Addn 1 FI Area-Ceiling Ht over 15'	0
New/Addn 2 FI Area	155
New/Addn 2 FI Area-Ceiling Ht 15' or less	155
New/Addn 2 FI Area-Ceiling Ht over 15'	61
New/Addn 3 FI Area	0
New/Addn 3 FI Area-Ceiling Ht 15' or less	0
New/Addn 3 FI Area-Ceiling Ht over 15'	0
New/Addn Total 1 FI Gross Area	261
New/Addn Total 2 FI Gross Area	216
New/Addn Total 3 FI Gross Area	0
Description of Work 1	New Secondary Apartment in backyard
Number of Floors 1	2
Number of Permits 1	1
Number of Units 1	1
Sq.Ft. for permit Type 01	416
Building Inspection	Yes
Driveway Inspection	No
Electric Inspection	Yes
Energy Inspection	Yes
Environmental Inspection	No
Fire Inspection	No
Health Inspection	No
Landscaping Inspection	No
Mechanical Inspection	Yes
On Site Sewage Facility Inspection	No
PV (Solar) System Installation?	
Plumbing Inspection	Yes
Sewer Tap Inspection	No

Sidewalks Inspection	No
Tree Inspection	Yes
Water Tap Inspection	No
Fire Review?	No
Historical Landmark Review?	No
Residential Zoning Review Required?	Yes
Technical Building Code Review Required	Yes
Property w/in Design & Compatibility Boundary?	RESIDENTIAL DESIGN STANDARDS
Total Building Coverage Percent, of Lot	29
Total Building Coverage on lot Sq. Ft.	2658
Reason for Request	n/a
Type of Variance	
Variance Required	

PROPERTY DETAILS

Number	Pre	Street	StreetType	Dir	Unit Type	Unit Number	City	State	Zip	Legal Desc
1802		CLOVERLEAF	DR				AUSTIN	TX	78723	LOT 8 BLK L DELWOOD 4 EAST SEC 2

PEOPLE DETAILS

People Type	Name / Address	Phone
Applicant	Merzbau Design Collective (J.C. Schmeil) 2235 E 6TH ST AUSTIN TX 78702	(512) 636-5900

FOLDER FEES

Fee Description	Fee Amount	Balance
Tree Plan Review-Residential	\$348.00	\$0.00
Combined Plan Review Fee	\$564.00	\$0.00
Development Services Surcharge	\$36.48	\$0.00

PROCESSES AND NOTES

--	--	--	--	--

Process Description	Status	Schedule Date	Start Date	End Date	Assigned Staff	# of Attempts
Coordinating Reviews	Approved	Mar 2, 2018	Jan 12, 2018	Mar 5, 2018	Elaine Ramirez (512-974-2778)	6
Residential Zoning Review	Approved	Jan 17, 2018	Jan 25, 2018	Jan 25, 2018	Elaine Ramirez (512-974-2778)	1
Tech Master Review	Approved	Jan 17, 2018	Feb 5, 2018	Feb 5, 2018	Michael Watson(512-974-2413)	1
Tree Ordinance Review	Rejected	Jan 17, 2018	Jan 31, 2018	Jan 31, 2018	Cinthia Pedraza(512-974-2706)	1
Tree Ordinance Review	Approved	Feb 9, 2018	Mar 2, 2018	Mar 2, 2018	Cinthia Pedraza(512-974-2706)	1
Revisions After Issuance	Open	Mar 5, 2018				0
Plan Review Administration	Open					0

FOLDER ATTACHMENT

Description	Detail	Download
Initial App		Download
RECORD SET (Secondary Apt)		Download
Tree Site Visit Photo 1		Download
Tree Site Visit Photo 2		Download
Update 1		Download

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FOLDER DETAILS

Permit/Case:	2018-048370 BP
Reference File Name:	2018-048370 BP
Description:	New Secondary Apartment in backyard
Sub Type:	R- 102 Secondary Apartment
Work Type:	New
Project Name:	1802 CLOVERLEAF DR
Status:	Final
Application Date:	Mar 5, 2018
Issued:	Mar 6, 2018
Expiration Date:	Sep 28, 2018

FOLDER INFO

Q-1/83

Description	Value
Airport Overlay	
Airport Overlay Approval Date	
Airport Overlay Comments	
Approved Flood Plain Elevation	
Board of Adjustment Case Number	
Building Height (in feet)	
Does property access a paved alley?	No
Elevation Certification required	
Finished Floor Elevation	
Flood Plain Elevation 25	
Flood Plain Elevation 500	
Flood Plan Elevation 100	
Floor Area Ratio (FAR)	
Front Set Back	25
Has Smart Housing Been Approved?	No
Is there Auxiliary Water?	No
Is there a Cut & Fill in excess of 4 ft	No
LDC Section?	
Land Status Case Number	
Number of Parking Spaces Required	0
Ordinance # Related to Address/Project	
Public or Private	Private
Rear Set Back	10
Reason for Exempt TRCC	
Side Set Back	5
Size of Water Meter	n/a
Smart Housing ID#	
Square Footage of Lot	9038

TRCC registration required for Owner/GC?	
Total New/Addition Bldg Square Footage	416
Usage Category	102
Certificate of Occupancy to be Issued	Yes
Code Type	International Residential Code
Code Year	2015
Number of Floors	2
Number of Units	1
Proposed Use	New Secondary Apartment in backyard
No of Bathrooms	3
Hazardous Pipeline Approved ?	
Hazardous Pipeline Approved Comments	
Is Property w/in 200 ft. of Hazardous Pipeline?	No
Current Zoning for Building	SF-3-NP
Flood Plain	
Is this property in MUD ?	No
Name of Historic District	
Name of NCCD	
Name of Neighborhood Plan	WINDSOR PARK
P.U.D. Name/Case Number	
GIS Zoning 1	
GIS Zoning 2	
GIS Zoning 3	
GIS Zoning 4	
GIS Zoning 5	
Total Impervious Coverage Percent.of Lot	36
Total Impervious Coverage Square Footage	3293
Total Job Valuation	39000
Auxiliary Water Inspection	No
Building Inspection	Yes

Driveway Inspection	No
Electric Inspection	Yes
Energy Inspection	Yes
Environmental Inspection	Yes
Fire Inspection	No
Health Inspection	No
Landscaping Inspection	No
Mechanical Inspection	Yes
On Site Sewage Facility Inspection	No
Plumbing Inspection	Yes
Sewer Tap Inspection	No
Sidewalks Inspection	No
Tree Inspection	Yes
Water Tap Inspection	No
Total Building Coverage Percent, of Lot	29
Total Building Coverage on lot Sq. Ft.	2658

PROPERTY DETAILS

Number	Pre	Street	StreetType	Dir	Unit Type	Unit Number	City	State	Zip	Legal Desc
1802		CLOVERLEAF	DR				AUSTIN	TX	78723	LOT 8 BLK L DELWOOD 4 EAST SEC 2

PEOPLE DETAILS

People Type	Name / Address	Phone
Applicant	Merzbau Design Collective (J.C. Schmeil) 2235 E 6TH ST AUSTIN TX 78702	(512) 636-5900
Billed To	(Neil Curran) 101 ETTA PL AUSTIN TX 78753-3680	(512) 470-6345
General Contractor	Curran Construction Inc (Neil E Curran) 101 ETTA PL AUSTIN TX 78753-3680	(512) 470-6345

FOLDER FEES

Fee Description	Fee Amount	Balance
Tree Insp-Residential(New Construction)	\$482.00	\$0.00
Building Permit Fee	\$287.76	\$0.00
Energy Fee	\$42.36	\$0.00
Development Services Surcharge	\$32.48	\$0.00

Q-1/86

PROCESSES AND NOTES

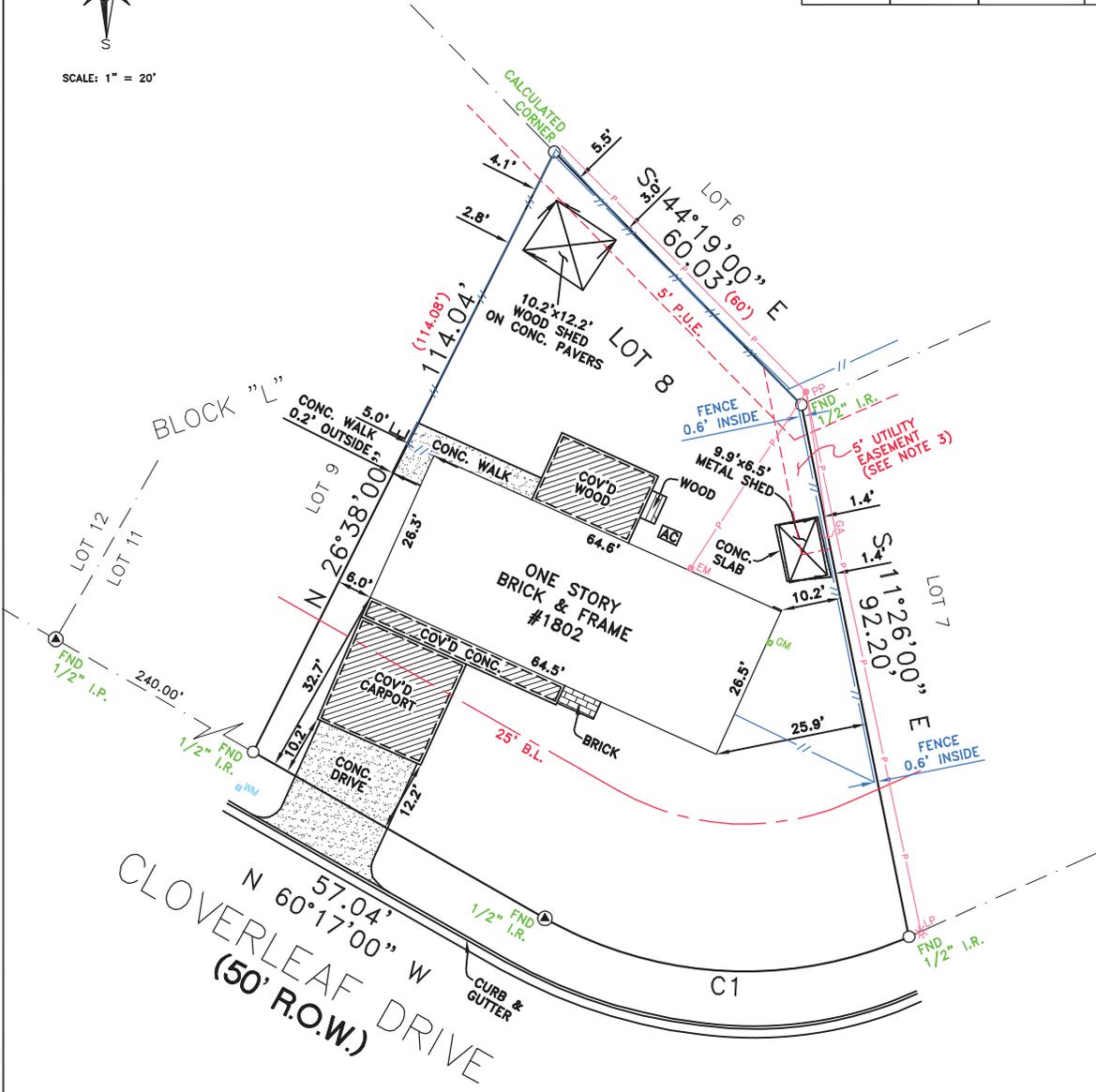
Process Description	Status	Schedule Date	Start Date	End Date	Assigned Staff	# of Attempts
100 Bldg Pre-Construction	Pass	Mar 20, 2018	Mar 20, 2018	Mar 20, 2018	Omar Perez(512-545-3154)	1
111 Energy Final	Pass	Sep 12, 2018	Aug 27, 2018	Sep 12, 2018	Douglas Williams(512-351-2717)	3
101 Building Layout	Pass		May 18, 2018	May 18, 2018		5
102 Foundation	Open				Omar Perez(512-545-3154)	0
103 Framing	Pass	Jun 11, 2018	Jun 5, 2018	Jun 11, 2018	Douglas Williams(512-351-2717)	3
104 Insulation	Pass	Jun 13, 2018	Jun 13, 2018	Jun 13, 2018	Douglas Williams(512-351-2717)	1
105 Wallboard	Open				Omar Perez(512-545-3154)	0
106 Fire Resistance-Rated Construction	Open				Omar Perez(512-545-3154)	0
109 TCO Occupancy	Open				Omar Perez(512-545-3154)	0
110 Termite Inspection	Open				Omar Perez(512-545-3154)	0
112 Final Building	Pass	Sep 28, 2018	Sep 12, 2018	Sep 28, 2018	Douglas Williams(512-351-2717)	3
620 Final Tree Inspection	Pass	Aug 28, 2018	Aug 28, 2018	Aug 28, 2018	Daniel Priest(512-974-2274)	1
621 City Arborist Pre-pour Inspection	Pass		Apr 6, 2018	Apr 6, 2018	Tree Inspectors	1
Pre-Construction Tree Inspection	Pass		Apr 6, 2018	Apr 6, 2018	Tree Inspectors	1
Interim Tree Inspection	Pass	Jun 5, 2018	Jun 5, 2018	Jun 5, 2018	Tree Inspectors	1

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Inspection Administration	Open					0
602 Environmental Inspection	Pass		Sep 5, 2018	Sep 5, 2018	Environmental Inspectors(512-974-2278)	1
Administrative Hold	Open					0
Red Tag Hold	Open					0
Permit Refund	Open					0
BP Permitting	Open					0
114 Continuance of work	Open				Omar Perez(512-545-3154)	0
Deficiencies	Open				Omar Perez(512-545-3154)	0

Back

CURVE	RADIUS	DELTA	ARC
C1	68.54'	53°40'00"	64.20'



NOTES:

- 1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT AND WOULD BE SUBJECT TO ALL APPLICABLE COVENANTS, CONDITIONS, RESTRICTIONS, OR EASEMENTS THAT A CURRENT TITLE COMMITMENT MAY DISCLOSE.
- 2) SUBJECT TO ALL APPLICABLE CITY AND/OR COUNTY DEVELOPMENT CODES AND ORDINANCES.
- 3) THE LENGTH OF UTILITY EASEMENT SHOWN HEREON IS BASED ON GRAPHIC PLOTTING FROM THE RECORDED PLAT. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.
- 4) METAL SHED AND CONCRETE SLAB ARE WITHIN 5' UTILITY EASEMENT (EAST SIDE LOT LINE) AS SHOWN (SEE NOTE 3).
- 5) WOOD SHED IS WITHIN 5' PUBLIC UTILITY EASEMENT (REAR LOT LINE) AS SHOWN.

LEGEND

- EM - ELECTRIC METER
- GM - GAS METER
- CAC - GUY ANCHOR
- LP - LIGHT POLE
- PP - POWER POLE
- OP - OVERHEAD POWER LINE
- WM - WATER METER
- WF - WOOD FENCE
- B.L. - BUILDING LINE
- P.U.E. - PUBLIC UTILITY EASEMENT
- () - RECORD INFORMATION
- ▲ - CONTROL MONUMENT

ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED. ALL EASEMENTS AND BUILDING LINES ARE BASED ON THE RECORDED PLAT, UNLESS OTHERWISE NOTED. SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY. THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN GF NO. -

SURVEY OF
LOT 8, BLOCK "L", DELWOOD 4 EAST SEC. 2,
ACCORDING TO THE MAP OR PLAT THEREOF, RECORDED
IN VOLUME 8, PAGE 8, OF THE PLAT RECORDS OF
TRAVIS COUNTY, TEXAS.

THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X"(UNSHADED) ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480624 0465 J, REVISED JANUARY 06, 2016. FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

CLIENT	JOSHUA M. WESTHEIMER	LENDER CO.	-
ADDRESS	1802 CLOVERLEAF DRIVE, AUSTIN, TX 78723	TITLE CO.	-

Windrose Land Services Austin
4120 Commercial Center Dr.
Suite 300
Austin, Texas 78744
TEL (512) 326-2100 FAX (512) 326-2770

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I do hereby certify that this survey was this day made on the ground and that this plot correctly represents the property legally described hereon (or on attached sheets). That the facts found at the time of this survey show the improvements and that there are no encroachments apparent on the ground, except as shown. Surveyor for Windrose Land Services Austin.

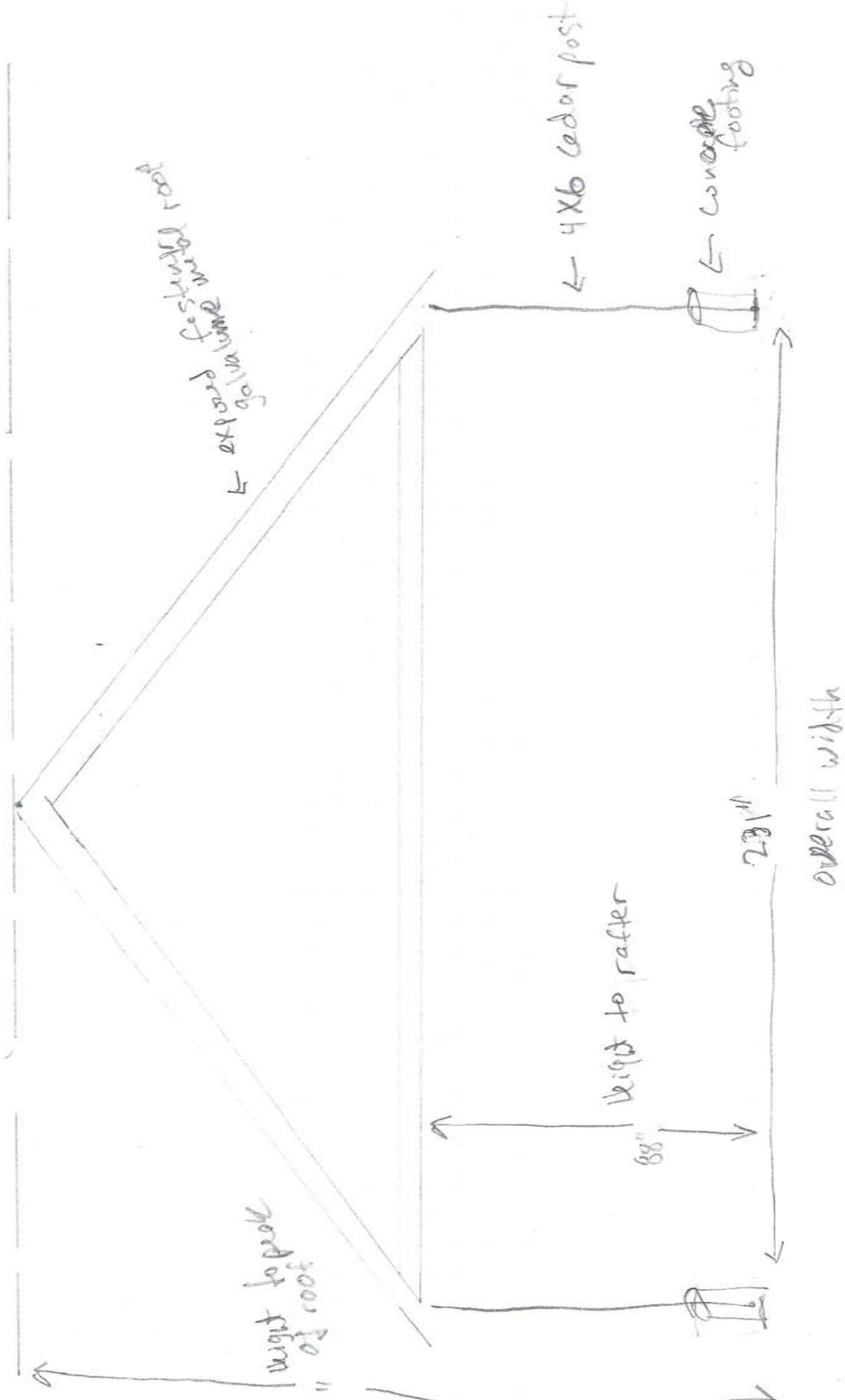
FIRM REGISTRATION NUMBER: 10110400

FIELD WORK	07/27/17	NG	DRAFTED BY	07/31/17	JC	CHECKED BY	08/01/17	RW
REVISION	-	-	-	-	-	MAPSCO PAGE	JOB NO.	33890
REVISION	-	-	-	-	-	556 N		

1002 Cloverleaf Dr. Carport Drawing

(Not to scale)

108" overall depth



ridge

height to rafter

88"

231"

overall width

4x6 cedar post

concrete footing

extend forward

extend forward













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Q-1/97



Q-1/98



Q-1/99



Q-1/100



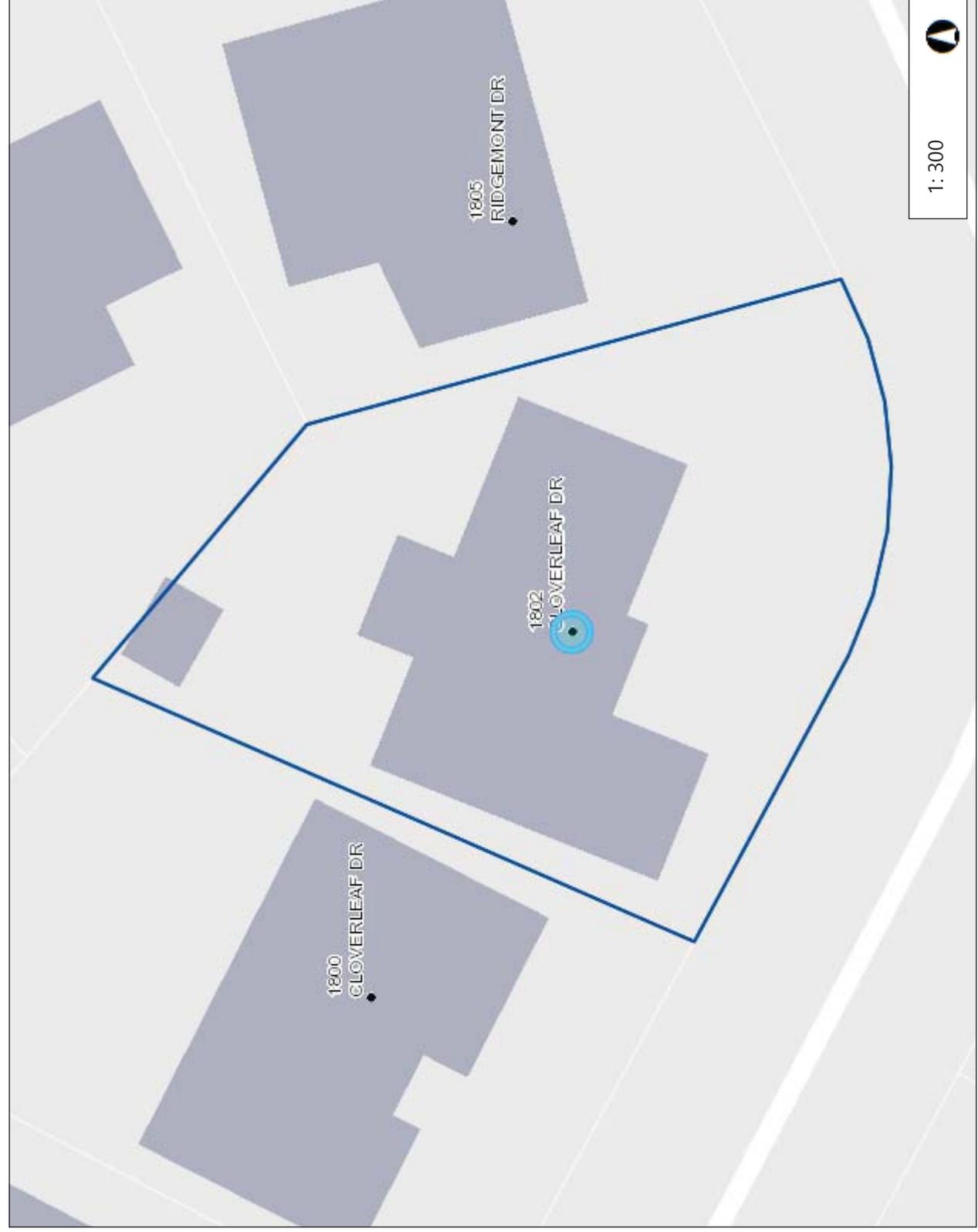
Q-1/101



Q-1/102



Property Profile



1: 300



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey. This product has been produced by the City of Austin for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

NAD_1983_StatePlane_Texas_Central_FIPS_4203_Feet

Date Printed:

Legend

- Addresses
- Jurisdiction
 - FULL PURPOSE
 - LIMITED PURPOSE
 - EXTRATERRITORIAL JURISDICTION
 - 2 MILE ETJ AGRICULTURAL AGR
 - OTHER CITY LIMITS
 - OTHER CITIES ETJ
- Building Footprints 2012

Notes



I, Josh Westheimer, am applying for a variance from the Board of Adjustment regarding Section 25-2-492(D) of the Land

Development Code. The variance would allow me the ability to keep my carport in place

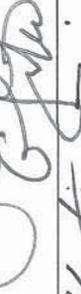
By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
Bonnie C. Lockhart	1803 Cloverleaf Drive Austin 78723	Bonnie C Lockhart
MARY E. VOLPE	1806 Ridgemoor Dr. 78723	Mary E. V.
ARNOLD MOREIN	1807 CLOVERLEAF DR 78723	Arnold Morein
DEAN'S GROWER EDITH GROWER	1805 Ridgemoor Dr 78723	Dean's Grower
Nicolai Luksha	1808 Ridgemoor Dr.	N. Luksha
JEREMY OLBRYS	1801 RIDGEMOOR DR.	J. Olbrys
Jennifer Sperandeo	1707 Ridgemoor	J. Sperandeo

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
MARTIN LUECKE	1805 Cloverleaf	
GEORGE DUBON	1706 CORONA DR	
Margaret A. Roll	1708 Corona Dr.	Margaret H. Roll
Barbara Huedler	1800 CORONA PR.	Barbara Huedler
Chris Fazzioni	1802 Corona Dr	
San San Chow	1809 Cloverleaf Dr.	SSC
John W. Vinson	1803 Ridgemont Dr.	
Martha Vogel	1803 Ridgement Dr.	Martha Vogel
Belinda Arambula	1810 Ridgement Dr.	S. K. W.
Jonathan Arambula	1810 Ridgemont Dr.	J. Arambula
Lydia May	1704 Cloverleaf Dr	L May
Debby Reynolds	1705 Ridgemont Dr 1702 Cloverleaf Dr	Debby Reynolds
VAIL JOSEPH COOK	1707 Cloverleaf Dr	VAIL JOSEPH COOK

By signing this form, I understand that I am declaring my support for the variance being requested.

Property Owner Name (Printed)	Address	Signature
DONALD P S CHARR	1804 Ridgemoor Dr 78723	
Christie Lewis	1902 Corona 78703	
JEFFREY W GULÉ	1802 RIDGEMOOR 78723	
GABE LINK	1804 CORONA DR. 76713	
Katie Birge	1705 Cloverleaf Dr. 78723	



Patti Keeney
3613 Doe Trl
West Lake Hills, TX 78746
512-517-4062

January 9, 2019

Re: Variance Request at 1802 Cloverleaf Dr Austin, TX 78723

To Whom It May Concern at City of Austin Board of Adjustments:

I represent the property at 1900 Ridgemont Dr Austin, TX 78723 as Trustee of the Robert and Henribee Baldree Supplemental Needs Trust.

I am writing to declare my support for the variance being requested by Josh and Brandi Westheimer to allow them to leave their carport in place.

Thank You,

A handwritten signature in cursive script that reads "Patti Keeney".

Patti Keeney

Trustee of Robert and Henribee Baldree Supplemental Needs Trust

Dianna Jones
3635 Latma Dr
Houston, TX 77025
713-444-6223

Re: Variance Request at 1802 Cloverleaf Dr Austin, TX 78723

To Whom It May Concern at City of Austin Board of Adjustments:

I own the properties at 1801 and 1706 Cloverleaf Dr Austin, TX 78723.

I am writing to declare my support for the variance being requested by Josh and Brandi Westheimer to allow them to leave their carport in place.

Thank You,

A handwritten signature in cursive script that reads "Dianna Jones". The signature is written in black ink and is positioned to the right of the typed name.

Dianna Jones

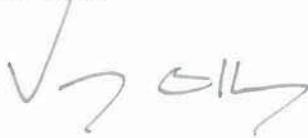
01/12/2019

To whom it may concern,

This letter is in regards to an observed carport constructed at 1802 Cloverleaf Drive. As a neighbor I have passed by the carport on many occasions and upon further review, it is my professional determination that the carport is not only of an aesthetically appealing appearance, but that the construction appears of high quality and of sound nature.

The lower portion of the columns are constructed of concrete piers which is of a quality beyond other carports you will find in the neighborhood. The metal roof is in great condition and it adequately covers/protects all framing members which are all protected from elements with a painted finish. If the carport does encroach the front yard setback, it is not apparent or striking as a blemish to the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Olbrys', with a checkmark-like flourish at the beginning.

Jeremy Olbrys
Licensed Architect in the State of Texas

NUMB STREET	OWNER	SECONDARY ADDRESS	Date Contacted	Signed (Y/N)
1704 CLOVERLEAF DR	MAY LYDIA			
1705 CLOVERLEAF DR	BIRGE KATHERINE M			
1706 CLOVERLEAF DR	JONES DIANNA B	3635 LATMA HOUSTON, TX 77025		
1707 CLOVERLEAF DR	COOK VAIL JOSEPH			
1800 CLOVERLEAF DR	PAGANI KAREN ANNE			
1801 CLOVERLEAF DR	JONES DIANNA BRELSFORD	3635 LATMA HOUSTON, TX 77025		
1803 CLOVERLEAF DR	LOCKHART BONNIE C			
1805 CLOVERLEAF DR	LUECKE MARTIN WRIGHT & LEANDRA			
1807 CLOVERLEAF DR	MOREIN ARNOLD			
1809 CLOVERLEAF DR	WARREN MARK KENDALL & SAN SAN CHOW			
1706 CORONA DR	DURON GEORGE J JR			
1708 CORONA DR	ROLL MARGARET A			
1800 CORONA DR	HUDLER BARBARA ANN			
1802 CORONA DR	FAGGIONI CHRIS & REBECCA MONTI			
1804 CORONA DR	LINK GABE & EVA MARIE CARDENAS			
1900 CORONA DR	AUSTIN TRAVIS COUNTY MH-MR CENTER	PO BOX 3548, AUSTIN, TX 78764		
1902 CORONA DR	LEWIS CHRISTIE E & ROBERT S			
1705 RIDGEMONT DR	REYNOLDS DEBORAH & PAUL MANNERS	1902 SUNNY BROOK DR, AUSTIN, TX 78723		
1707 RIDGEMONT DR	SPERANDEO JENNIFER N & GERALD R MALDONADO			
1801 RIDGEMONT DR	OLBRY'S JEREMY & JOANNA HARTMAN			
1802 RIDGEMONT DR	LOGUE JEFFREY & CASEY MITCHUM LOGUE	LIFE ESTATE (GREGORY)		
1803 RIDGEMONT DR	VINSON JOHN & MARTHA VOGEL			
1804 RIDGEMONT DR	SCHERR DONALD P & KIL CHA			
1805 RIDGEMONT DR	GEROW EDITH & DENNIS GEROW			
1806 RIDGEMONT DR	VOLPE MARY E			
1808 RIDGEMONT DR	LUKSA NICOLAI M & AUTUMN M WILLEMS			
1810 RIDGEMONT DR	ARAMBULA JONATHAN F & BELINDA MAY			
1900 RIDGEMONT DR	BALDREE ROBERT & HENRIBEE	SUPPLEMENTAL NEEDS TRUST PATTI B KEENEY 3613 DOE TRL, WEST LAKE HILLS, TX 78746		

Q-1/111



Q-1/112



Q-1/113



Q-1/114



February 23, 2019

TO WHOM IT MAY CONCERN

My name is Dennis Gerow and I'm an Architect living at 1805 Ridgemont Dr., Austin, Texas. It's my understanding that questions have been raised regarding the construction of a carport belonging to my neighbor, Mr. Josh Westheimer. While I can't speak to any code or permitting questions, the carport appears to be of sound construction. It has been in place for over 15 years shows no evidence of deflection and only superficial signs of wood deterioration associated with age. The free-standing design is simple and attractive, and appears to have been erected by someone familiar with light-framed wood construction. I have resided in the neighborhood for over 40 years and to my knowledge, no-one has ever expressed concerns regarding the workmanship or appearance of this structure.

With Regards,

A handwritten signature in black ink that reads "Dennis Gerow". The signature is written in a cursive style with a large, sweeping "G" and "W".

Dennis Gerow, Registered Architect

1805 Ridgemont Dr.

Austin, Texas 78723

(512) 632-2985

From: Karen Pagani [REDACTED]
Sent: Thursday, February 21, 2019 11:07 AM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: 1802 Cloverleaf Drive Carport

Dear Ms. Heldenfels:

I am the person who originally lodged this complaint and I would ask that the variance not be granted, despite this carport having been there since 2002. As the immediate neighbor, I never liked it (always found it rather hideous) but figured I would just deal with it. I had no idea until very recently that it was unpermitted and that something could be done about it. Even if I had known, I might have been willing to live with it IF the rest of their property wasn't so overbuilt and IF they hadn't added even more structures to it that detract from my own property.

My neighbors at 1802 Cloverleaf were somehow able to construct a HUGE 30 foot ADU on their tiny parcel of land. It has destroyed the value and enjoyment of my backyard and that of other neighbors in the immediate vicinity. In trying unsuccessfully to stop that/bring the project down to a reasonable scale I learned that, in fact, this carport was not supposed to be as big as it is according to city code and surpasses the setback significantly. It was not permitted and for good reason. It is quite tall and, I might add, unsightly.

I could not get any redress from DSD or from the code department regarding the ADU.

However, I would ask that at least this carport be removed. My neighbors have already overbuilt their very small parcel of property. The result is that the structures they have on it dominate over the neighbors in the immediate vicinity, myself included. My understanding is that the Westheimers also want a variance for the fence on that side. Why? If they don't like their neighbors then they should try to work things out with them, listen to them, and at least try to come up with solutions. They should not, however, continually be allowed to get exceptions so that they can further degrade the properties of those around them.

When I begged the Westheimers to reconsider the construction and size of the ADU, Mr. Westheimer, my neighbor of 10 years said, "Well, it's permitted so there is nothing wrong with it. This is happening, deal with it." The neighbors on the other side of him also asked him to reconsider. But he just kept right on building.

By Mr. Westheimer's **own logic** it would seem that if something is NOT permitted then there is something wrong with it. Heck, he recently lodged a complaint against my shed saying it was unpermitted and needed to be looked into. The shed, however, is under 200 square feet large and meets the setback requirements. It's also on the side of my property that is furthest away from them....but the Westheimers nevertheless lodged the complaint. Curiously, the Westheimers' concern for things being up to code clearly only applies to those around them. When it comes down to them, they want to be the exception to the rule.

This preferential treatment needs to stop. The Westheimer's need to stop overbuilding their property and finally start to take into consideration the neighbors who have lived around them for a long time. When they wanted to build a new fence, they asked me and the other single mother on the other side to pay for half of it. We were both tight on cash and I was in the middle of a divorce but we both coughed up the money anyway to be neighborly. We both came home from work one day to find that the Westheimers had taken our money and put the posts (the ugly sides) on our sides of the yard. We both said nothing in an effort to keep things neighborly...and we have been rewarded by an overbuilt property.

According to his own words Mr. Westheimer seems to think that, if it's legal/permitted, there is nothing wrong with it. That is not my own ethical orientation. I think that just because something is legal and allowed that doesn't necessarily make it right or neighborly. I tried to impart that onto him through example but he just doesn't seem to get it: he now lodges complaints against me for being unneighborly, even though the complaints he keeps making turn out to not be actual violations. I had tried to be a good neighbor to the Westheimers over the years, or at least until they built this monstrosity of an ADU. Now, rather than being obliging, I just want the overbuilding to STOP and undo those things that can be undone to mitigate the effects on my property (the carport, their new fence, for example).

I should say that I do have evidence that at least one person in the code department has been showing preferential treatment to my neighbors and has been targeting me. This person is Anthony Rainey, the inspector who dismissed the original complaint against the carport on the grounds that this was original construction. It clearly is not. I should also note that almost immediately after I pointed out to the code department that Mr. Rainey's assessment of the carport was incorrect, Mr. Rainey also gave me a violation notice for a fence being too close to the setback in the front—right next to the carport in question and my neighbors' fence on that side. He has given me two more since then for non-violations. Rainey has now been instructed by his superior, John Christophe, NOT to come to my property anymore. The Westheimers have a fence that extends even further into the setback than mine (and it is only 4 feet away from mine) but Mr. Rainey did not issue them a violation notice for that. I have not yet issued a complaint against him but can't help but wonder whether Mr. Rainey or someone else has not also shown them preferential treatment in the construction of their ADU.

Regardless, the Westheimers have gotten enough preferential treatment, they have overbuilt their property, and I would ask the board to put an end to it by enforcing city code in this instance.

I would ask that these comments be included in any reviews of this particular case. I would also ask for you to give me the precise time and place to be on March 11, 2019, as I would like to address the board. Please confirm receipt.

Sincerely,
Karen Pagani, Ph.D.
512 786 7224

From [REDACTED]
Sent: Thursday, February 21, 2019 2:46 PM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: Birds eye view of 1802 Cloverleaf

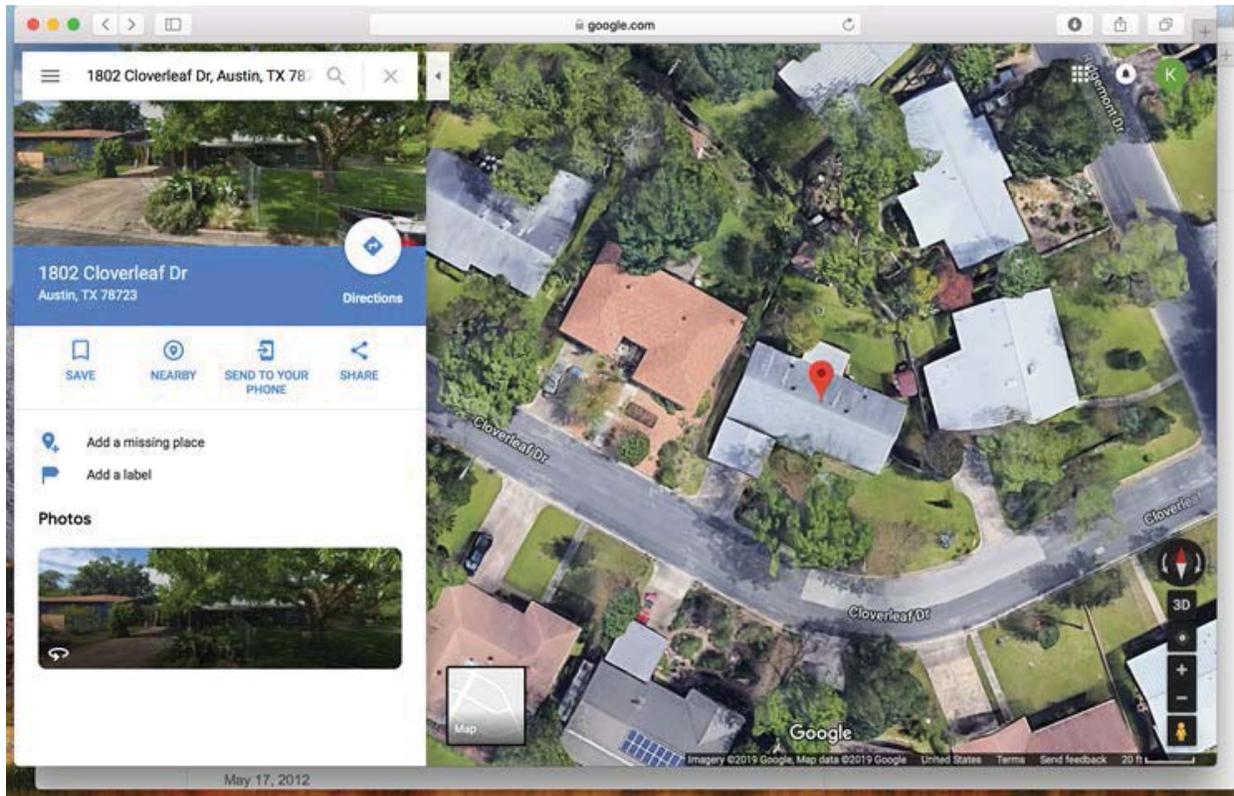
Hi, Leane

Sorry to bother you again. I just spoke to a code officer and then was reflecting on our earlier conversation. You had said that their grounds for a variance is that their yard is abnormally shaped. This is true. The road curves where their property is. What this means is that they have an abnormally small BACK yard and that the east side at the front of their property is actually larger than most. HOWEVER, their driveway is on the WEST side of the property—right at the end of the curve. This actually provides them with MORE space in the front yard in relation to the yards that are not on the curve. What this means is the strange shape of their property does not shorten side on which their driveway and carport appear but, rather, lengthens it. Indeed, their driveway is EXACTLY as long as everyone else's, if not just a bit longer. In my view this means that they should be expected to comply with the setback requirements on their driveway that apply to everyone else in the neighborhood. The fact is: there is zero grounds for a variance. If they are utilizing the shape of their property as an excuse for a variance, they are being dishonest about what that abnormal parcel shape **actually** means in relation to the topic at hand.

I have attached a birds eye view of the street. My house is the one immediately to the left in the image (at 1800 Cloverleaf). As I hope the board will see, their driveway is the exact same length as mine and as everyone else's (if not longer).

This should be next to the last piece of information to add to the file. I did put in an open records request to find out about complaints made against my property, complaints that I believe were made by the Westheimers (all of these complaints were dismissed/recognized as abated earlier today, incidentally). I may add those to the file if I get confirmation that indeed they were filed by the Westheimers, especially as regards my shed in the backyard and a screen I built in the front. The Westheimers are wanting to insure that I follow the letter of the law as regards placement of all of the structures on my property (and I have). But then they want a variance for themselves? I think that the city should look very closely as to whether one is warranted and necessary.

Anyway, Birdseye view showing the relative length of their driveway attached.
Sincerely,
Karen Pagani



From: [REDACTED]
Sent: Thursday, February 21, 2019 11:20 AM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: Photos 1802 Cloverleaf

Please also include these photos. The first shows the carport and their fence. It also show that their fence extends beyond my fence panels—yet Rainey gave me a violation and not them.

Second: is a photo of the ADU and how it dominates my entire yard. After ten years of living next to me they announced the height by framing it out. Not even a conversation.



Q-1/122



Sent from my iPhone

From: Karen Pagani [REDACTED]
Sent: Thursday, February 21, 2019 11:51 AM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: Re: 1802 Cloverleaf Drive Carport--one more thing

Great. Thank you, Ms. Heldenfels

Sorry to inundate you (should be the last email): Please include the attached PDF's. These PDF's are from the permitting of the ADU at 1802 Cloverleaf. They stated in these documents that there was no carport and that there was a 25 foot setback from the street. Their building plan for that ADU was approved on the basis of this carport not existing (which it so clearly did and does and has since 2002). Even after I asked for the project to be reviewed, my neighbors/the city did not (from what I can see) amend the incorrect facts presented here as to what was already present on the property.

I find it impossible to believe that the ADU is 10 feet off their back setback—but somehow they got that to go through as well. I am assuming there is no going back on that.

However, they were allowed to build the ADU—at least in part—because incomplete and incorrect information regarding the carport and front setback was provided to the city. My neighbors have destroyed my backyard, as well as those of others who are adjacent to them. I would really hope to recuperate some enjoyment from the front of my property by having them reduce the scale of their carport and by having them be required to respect the city's setback requirements to the letter as regards any all structures on their property.

Best,
Karen Pagani

On Feb 21, 2019, at 11:38 AM, Heldenfels, Leane
<Leane.Heldenfels@austintexas.gov> wrote:

It will be at City Hall, 301 W. 2nd Street, parking garage entrance off Guadalupe. Bring up your parking ticket and we can validate it. Don't worry if you're a little latter than 5:30 since this will most likely be the 3rd case heard that evening.

Take care,
Leane

From: Karen Pagani [REDACTED]
Sent: Thursday, February 21, 2019 11:36 AM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: Re: 1802 Cloverleaf Drive Carport

Thank you. And where exactly is the board meeting held?

On Feb 21, 2019, at 11:08 AM, Heldenfels, Leane
<Leane.Heldenfels@austintexas.gov> wrote:

Thanks for sending in your comments, I will include them in the Board's advance packet of information on the case that they receive in advance of the hearing.

Take care,

Leane Heldenfels

Planner Senior – Board of Adjustment Liaison

City of Austin Development Services Department

One Texas Center, 505 Barton Springs Road, 1st Floor, Development Assistance Center

Walk-in hours 9a-12p M-F

Office: 512.974.2202 Cell: 512.567.0106 (*personal, for meeting day & after hours emergency use only*)

<image002.png>

From: Karen Pagani [REDACTED]
Sent: Thursday, February 21, 2019 11:07 AM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: 1802 Cloverleaf Drive Carport

Dear Ms. Heldenfels:

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was not supposed to be as big as it is according to city code and surpasses the setback significantly. It was not permitted and for good reason. It is quite tall and, I might add, unsightly.

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This preferential treatment needs to stop. The Westheimer's need to stop overbuilding their property and finally start to take into consideration the neighbors who have lived around them for a long time. When they wanted to build a new fence, they asked me and the other single mother on the other side to pay for half of it. We were both tight on cash and I was in the middle of a divorce but we both coughed up the money anyway to be neighborly. We both came home from work one day to find that the Westheimers had taken our money and put the posts (the ugly sides) on our sides of the yard. We both said nothing in an effort to keep things neighborly...and we have been rewarded by an overbuilt property.

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seem to get it: he now lodges complaints against me for being unneighborly, even though the complaints he keeps making turn out to not be actual violations. I had tried to be a good neighbor to the Westheimers over the years, or at least until they built this monstrosity of an ADU. Now, rather than being obliging, I just want the overbuilding to STOP and undo those things that can be undone to mitigate the effects on my property (the carport, their new fence, for example).

I should say that I do have evidence that at least one person in the code department has been showing preferential treatment to my neighbors and has been targeting me. This person is Anthony Rainey, the inspector who dismissed the original complaint against the carport on the grounds that this was original construction. It clearly is not. I should also note that almost immediately after I pointed out to the code department that Mr. Rainey's assessment of the carport was incorrect, Mr. Rainey also gave me a violation notice for a fence being too close to the setback in the front—right next to the carport in question and my neighbors' fence on that side. He has given me two more since then for non-violations. Rainey has now been instructed by his superior, John Christophe, NOT to come to my property anymore. The Westheimers have a fence that extends even further into the setback than mine (and it is only 4 feet away from mine) but Mr. Rainey did not issue them a violation notice for that. I have not yet issued a complaint against him but can't help but wonder whether Mr. Rainey or someone else has not also shown them preferential treatment in the construction of their ADU.

Regardless, the Westheimers have gotten enough preferential treatment, they have overbuilt their property, and I would ask the board to put an end to it by enforcing city code in this instance.

I would ask that these comments be included in any reviews of this particular case. I would also ask for you to give me the precise time and place to be on March 11, 2019, as I would like to address the board. Please confirm receipt.

Sincerely,
Karen Pagani, Ph.D.
512 786 7224

From: David Kleiman <[REDACTED]>
Sent: Saturday, March 09, 2019 10:04 AM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: Case Number: C15-2019-0012, C15-2019-0012 Board of Adjustment

David Kleiman
1704 Corona Dr
Austin TX 78723

City of Austin -Development Services Department
Leane Heldenfels
PO Box 1088
Austin TX 78767-1088

Dear Ms Heldenfels,

I am writing in regards to Case # C15-2019-0012. I live within 500 feet of the residence of Josh Westheimer, who lives at 1802 Cloverleaf.

I am in favor of approving a land development code variance from Section 25-2-492 (D) to decrease the front yard setback from 25 ft to 10.2 ft for his carport.

His carport should be maintained. I have always liked it, it blends well with his house. His house is one the nicer houses on the street and the carport adds to the appearance.

I have lived at my address since 2001. The carport has been there for 15 years. There has never been a problem with anyone until now.

The only reason a complaint has been filed now is retaliation for Mr Westheimer building an ADU.

The land development code was not created to be used by vindictive neighbors to punish. The carport has been there without complaint until the issue with the ADU.

The carport is within the character of the neighborhood and does not detract in any way. It should be allowed to stay in place by granting a variance.

Thank you for your time.

Sincerely,

David Kleiman

From: **Josh Westheimer** <[REDACTED]>
Date: Wed, Feb 27, 2019 at 6:33 PM
Subject: Re: Variance Application
To: Dan Strub <[REDACTED]>
Cc: Brandi Esquibel <[REDACTED]>, Dan Strub <[REDACTED]> ,
Emily Vitris <[REDACTED]>, Jackie Livelli <[REDACTED]> , Meg Brooks
<[REDACTED]> , Meghan Dougherty <[REDACTED]>

Thanks. That works for me.

Josh

On Wed, Feb 27, 2019 at 5:42 PM Dan Strub <[REDACTED]> wrote:

Josh,

I will say that WPNA has not never taken a stance on such issues, but does not do it routinely. If it is brought to our membership, we can take it up. We do not actively look for code violations to discuss. Unless there is either great opposition or great support, the neighborhood is unlikely to take a position. In this case, getting support from your neighbors is likely to carry more weight. And you can say that you have reached out to the neighborhood association, and we have not taken a stance.

Good luck,

Dan Strub
President, WPNA

On Tue, Feb 26, 2019 at 8:00 AM Josh Westheimer <[REDACTED]> wrote:

Hi Dan and Megan,

I'm just circling back to be sure there isn't anything you need from us. The city is sending out its notice for the variance request. I had spoken to Martin Luecke, our across the street neighbor. He said that during his tenure WPNA didn't weigh in on these types of issues.

Thanks,
Josh on Cloverleaf

On Fri, Feb 1, 2019 at 7:45 AM Josh Westheimer <[REDACTED]> wrote:

Thanks. I actually have solid support from the majority of neighbors close to my house. It isn't

necessary from my end to bring it before the membership. Just wanted to check to see if there was a typical position from the associations side.

Josh

On Thu, Jan 31, 2019 at 8:50 PM Dan Strub <[REDACTED]> wrote:

If the City informs anyone, it would most likely be the contact team, but if they contact us, I would have no problem bringing it to the membership.

Good luck.

Dan

On Thu, Jan 31, 2019 at 7:20 PM Josh Westheimer <[REDACTED]> wrote:

My timeline is the March Board of Adjustments meeting. The city cited me because a neighbor complained. The neighbor complained because of an unrelated dispute that arose between us. I built it long ago.

I had heard that WPNA doesn't take a stance. I'm just crossing off the items on the to-do list from the city as I believe they will be informing the neighborhood assoc of my application.

Thanks,

Josh

On Thu, Jan 31, 2019 at 6:37 PM Dan Strub <[REDACTED]> wrote:

I am not aware of WPNA taking any explicit stances on that kind of variance. We have taken stances on development variances, and of course on the neighborhood plan. What is your timeline? Why did the City cite you? Did you build it, or was it there when you bought the house?

On Thu, Jan 31, 2019 at 4:01 PM Josh Westheimer <[REDACTED]> wrote:

Hello Dan and Jackie,

We are applying to the City's Board of Adjustments. We're trying to get a variance to allow our carport to remain in place. It was built in 2003 (approximately). It is sturdy and well-built. It has served our needs well to shade our driveway for years and years. The city cited us for it and we are going through the process of collecting support. So far, all occupied houses within 300' save one have pledged

their support.

What is the WPNA position on such things?

Thanks,

Josh and Brandi Westheimer
[1802 Cloverleaf Dr](#)
[Austin, TX 78723](#)
512-293-6235

--

Josh Westheimer, PhD
Licensed Psychologist
[2520 Longview St #312](#)
[Austin, TX 78705](#)
512-228-7791

--

Josh Westheimer, PhD
Licensed Psychologist
[2520 Longview St #312](#)
[Austin, TX 78705](#)
512-228-7791

--

Josh Westheimer, PhD
Licensed Psychologist
[2520 Longview St #312](#)
[Austin, TX 78705](#)
512-228-7791

--

Josh Westheimer, PhD
Licensed Psychologist
2520 Longview St #312
Austin, TX 78705
512-228-7791

--

Josh Westheimer, PhD
Licensed Psychologist
2520 Longview St #312
Austin, TX 78705
512-228-7791

From: [REDACTED]
Sent: Saturday, March 02, 2019 5:24 PM
To: Heldenfels, Leane <leane.heldenfels@austintexas.gov>
Subject: Case Number: C15-2019-0012, C15-2019-0012

Leane,

Attached is an image of my approval/favor in regards to case number C15-2019-0012, C15-2019-0012.

If there are any questions regarding my submission, please feel free to reach me at this email address or call 206-755-7205.

Thank you,
Mark Warren

1809 Cloverleaf Dr.
Austin, TX 78723

1-206-755-7205

PUBLIC HEARING INFORMATION	
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Case Number: C15-2019-0012, C15-2019-0012

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, March 11, 2019

Alonzo Yepez

Your Name (please print)

 I am in favor
 I object

1704 Ridgemoor Dr 78723

Your address(es) affected by this application

Alonzo Yepez

Signature

3/10/19

Date

Daytime Telephone: 512-789-9323

Comments: case # C15-2019-0012

Attn: Leane Heldenfels

I fully support this variance request.

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing:

Mail: City of Austin-Development Services Department/ 1st Floor
Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

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Case Number: C15-2019-0012, C15-2019-0012

Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, March 11, 2019

Carlise Dos Santos

Your Name (please print)

1704 Ridgemont Dr 78723

Your address(es) affected by this application

Carlise Dos Santos

Signature

3/10/19

Date

Daytime Telephone: 512 762 5420

Comments: case # C15-2019-0012

Attn: Leane Heldenfels

I fully support this variance request.

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Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2019-0012, C15-2019-0012
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, March 11, 2019

John W. Vinson

Your Name (please print)

1803 Ridgemoor Dr.

Your address(es) affected by this application

I am in favor
 I object

A TX
 78723

[Signature]
 Signature

3/5/19
 Date

Daytime Telephone: (512) 926 7380

Comments:

Our household has no problems w/ the variance for this minor (patent) impaction.

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Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088.

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Fax: (512) 974-6305

Email: leane.heldenfels@austintexas.gov

From: Karen Pagani]
Sent: Wednesday, February 27, 2019 10:32 AM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: Re: Question about board hearings

Dear Ms. Heldenfels,
Thank you for the quick and honest response. In that case, I will show up and hope for the best.

I am attaching two more photos. The first shows the ADU from INSIDE my house (from my kitchen). The second is the view of the carport as seen through my master bedroom window. Both convey the abnormal height of both structures and the extent to which they invade my home. The carport, in fact, is taller than their house.

Best,
Karen





On Feb 27, 2019, at 9:23 AM, Heldenfels, Leane
<Leane.Heldenfels@austintexas.gov> wrote:

I have put your previous emails/pictures in the packet for the hearing as your statements, would you like to retract them for just one formal statement? Also, speaking in person might be more impactful, but that decision is up to you -

Take care,
Leane

-----Original Message-----

From: Karen Pagani [REDACTED]
Sent: Tuesday, February 26, 2019 3:02 PM
To: Heldenfels, Leane <Leane.Heldenfels@austintexas.gov>
Subject: Question about board hearings

Dear Ms. Heldenfels:

I was planning on testifying before the board on March 11th in opposition to the carport at 1802 Cloverleaf Drive. Last night, however, I received a threat and some nasty insults from a neighbor via text who is friends of the Westheimers. I am simply afraid of going before the board. The residents of 1803 Cloverleaf received a

violation notice for their carport on December 28th and everyone is blaming me for it. I had nothing to do with that and just found out about it last week. But...if the inspector who issued it is issuing many more of these violations of his own accord, then I don't want to attract the ire of the entire neighborhood by making a public statement or be publicly attacked. Whereas I do object to people flouting neighborhood plans in principle and so don't do it myself, I am not going around randomly calling out people whose properties don't affect me in some draconian manner.

Here's my question: If I were to give a formal, written statement to the board, would it have the same effect of speaking publicly? When taken together with the other structures on the property, this carport is REALLY negatively affecting my property and I am hoping the board will reject the variance request so as to provide me some relief. If I can save myself some vitriol (and the board some time) by sending the remarks ahead of time, that might be better for everyone involved. However, if that weakens my argument then I will show up and speak.

Thank you for any insight you can give me.

Best,

Karen Pagani

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Case Number: C15-2019-0012, C15-2019-0012
Contact: Leane Heldenfels, 512-974-2202, leane.heldenfels@austintexas.gov
Public Hearing: Board of Adjustment, March 11, 2019

Edward Westergaard Hansen
Your Name (please print) I am in favor I object

1901 Corona Drive, Austin, TX 78723
Your address(es) affected by this application

Leant Jean 3/8/19
Signature Date

Daytime Telephone: (512) 217-7320

Comments: The carport in question has been in place for years with no complaint or problem until the neighbor filing a complaint wanted to create problems for the applicant. This is an act of harassment & aggression.

Comments must be returned by 10am the day of the hearing to be seen by the Board at this hearing:

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Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

(Note: mailed comments must be postmarked by the Wed before the hearing to be seen by the Board at this hearing)

Fax: (512) 974-6305
Email: leane.heldenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov
Public Hearing: Board of Adjustment, March 11, 2019

ARNOLD C MOREIN

Your Name (please print)

1807 CLOVERLEAF DR

Your address(es) affected by this application

Arnold Morein 3-2-19

Signature

Date

Daytime Telephone: 512 632 2218

Comments:

Q-1/140

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Case Number: C15-2019-0012, C15-2019-0012

Contact: Leane Heidenfels, 512-974-2202, leane.heidenfels@austintexas.gov

Public Hearing: Board of Adjustment, March 11, 2019

ARNOLD & MOREIN

Your Name (please print)

<input checked="" type="checkbox"/> I am in favor
<input type="checkbox"/> I object

1807 CLOVERLEAF DR

Your address(es) affected by this application

Arnold & Morein 3-2-19

Signature

Date

Daytime Telephone: 512 632-2218

Comments:

Q-1/141

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Leane Heidenfels
P. O. Box 1088
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leane.heidenfels@austintexas.gov

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Contact: Leane Heldenfels, 512-974-2202, leana.heldenfels@austintexas.gov

Public Hearing: Board of Adjustment, March 11, 2019

MARTIN LUECKE

Your Name (please print)

1805 Cloverleaf Dr.

Your address(es) affected by this application

M. Luecke

Signature

Daytime Telephone: 512.576.0465

Date

3/4/19

Comments:

I like the design of this carport.

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Leane Heldenfels
P. O. Box 1088
Austin, TX 78767-1088

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Fax: (512) 974-6305

Email: leana.heldenfels@austintexas.gov

Q-1/142

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Contact: Leane Heldenfels, 512-974-2202, leaneheldenfels@austintexas.gov

Public Hearing: Board of Adjustment, March 11, 2019

MARTIN LUECKE

Your Name (please print)

1805 Cloverleaf Dr.

Your address(es) affected by this application

M. Luecke

Signature

Daytime Telephone: 512.576.0465

Date

3/4/19

Comments:

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Q-1/143